

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Fells v. Silva

No. 25-cv-04378-JD (N.D. Cal. Sept. 10, 2025) · No. 25-cv-04378-JD · Decided September 10, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Billy M. Fells’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court concluded that the competency-hearing and ineffective-assistance claims had been presented and denied on the merits in a prior federal habeas action, and it declined to issue a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	James Donato
JURISDICTION	United States District Court for the Northern District of California
DECIDED	September 10, 2025
DOCKET	25-cv-04378-JD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed an amended pro se federal habeas petition under 28 U.S.C. § 2254 after the original petition was dismissed with leave to amend. The court dismissed the amended petition as a second or successive petition raising claims previously adjudicated on the merits.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Billy M. Fells v. Edward Silva

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief

QUESTIONS PRESENTED

1. Whether the amended § 2254 petition should be dismissed as a second or successive petition because it raises claims that were presented and adjudicated on the merits in a prior federal habeas action.
2. Whether the court should issue a certificate of appealability.

HOLDINGS

1. A claim presented in a second or successive § 2254 habeas application that was presented in a prior application must be dismissed. Because Petitioner's competency and ineffective-assistance claims were denied on the merits in his prior federal habeas case, the amended petition was dismissed.
2. The court declined to issue a certificate of appealability.

KEY QUOTATIONS

“A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.” (at 1-2)

FACTUAL BACKGROUND

Petitioner was convicted of kidnapping, robbery, and rape, and his state appeals were denied in 2014. He previously challenged the same conviction in a federal habeas action, which was denied on the merits in 2016. In the amended petition, he alleged that he was denied a competency hearing and that trial counsel was ineffective for failing to investigate his past and present mental condition.

PROCEDURAL HISTORY

Fells was convicted in state court of kidnapping, robbery, and rape, and his state appeals were denied in 2014. He previously filed a federal habeas petition concerning the same conviction, which was denied on the merits on June 6, 2016. The Ninth Circuit denied his requests to file a successive petition in 2018 and 2024. After the original petition in this action was dismissed with leave to amend, the court dismissed the amended petition and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Fells v. Valenzuela, Case No. 15-cv-1390 JD
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)