

**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

OPINION

Fells v. Silva

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BILLY M. FELLS, Case No. 25-cv-04378-JD 8 Petitioner,

ORDER RE DISMISSAL

v. 9

10 EDWARD SILVA,

Respondent. 11 12 13 Petitioner, a state prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 14 U.S.C. § 2254. The original petition was dismissed with leave to amend and petitioner has filed 15 an amended petition. Dkt. No. 7.

16 BACKGROUND

17 Petitioner was found guilty of kidnapping, robbery, and rape and his state appeals were 18 denied in 2014. Dkt. No. 1 at 2-4. He filed a prior federal habeas action in this Court regarding 19 the same conviction. See Fells v. Valenzuela, Case No. 15-cv-1390 JD. That petition was denied 20 on the merits on June 6, 2016. Id., Dkt. No. 13. The Ninth Circuit denied petitioner’s two 21 requests to file a successive petition on July 18, 2018, and December 20, 2024. Id., Dkt. Nos. 17, 22 18.

23 DISCUSSION

24 In the amended petition, petitioner alleges that he was denied a competency hearing prior 25 to his conviction and that trial counsel was ineffective for failing to “investigate his [] past and 26 present mental condition . . .” Dkt. No. 7 at 3. These claims were denied on the merits in his prior 27 case, Case No. 15-cv-1390 JD, Dkt. No. 13 at 7-11. This second habeas petition is dismissed 1 (“A claim presented in a second or successive habeas corpus application under section 2254 that 2 || was presented in a prior application shall be dismissed.”).

3 CONCLUSION

4 The Clerk is requested to close the case. The Court declines to issue a certificate of 5 appealability. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). 6 IT IS SO ORDERED. 7 Dated: September 10, 2025 8 9

JAMES/ONATO

10 United States District Judge 11 12 15 16 17 Z 18 19 20 21 22 23 24 25 26 27 28

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