

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Relmon H. Davis, III v. W.J. Sullivan

Davis v. Sullivan · No. 1:20-cv-01270-KES-HBK (HC) · Decided September 15, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Relmon H. Davis III's motion to amend his habeas petition to add an ineffective-assistance-of-appellate-counsel claim, finding amendment futile. The court adopted the magistrate judge's findings and recommendations, denied the petition for a writ of habeas corpus, declined to issue a certificate of appealability, and directed the clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 15, 2025
DOCKET	1:20-cv-01270-KES-HBK (HC)
DISPOSITION	denied
PROCEDURAL POSTURE	State prisoner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial of the petition, petitioner objected, attempted an appeal that was dismissed for lack of jurisdiction, and moved to amend the petition to add an ineffective-assistance-of-appellate-counsel claim.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1). Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is reviewed under a liberal standard, but denial is permissible when amendment would be futile. A certificate of appealability requires the substantial showing described in 28 U.S.C. § 2253 and applicable Supreme Court precedent.
PRECEDENTIAL VALUE	unknown
PARTIES	Relmon H. Davis, III v. W.J. Sullivan

TOPICS

- federal habeas corpus
- post-conviction relief
- motion to amend
- appellate procedure
- standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether petitioner should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to amend the habeas petition to add an ineffective-assistance-of-appellate-counsel claim.
2. Whether the magistrate judge's recommendation to deny the § 2254 petition should be adopted after de novo review.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. Leave to amend was properly denied because the proposed ineffective-assistance-of-appellate-counsel claim was futile and meritless.
2. The petition for a writ of habeas corpus was denied, and the magistrate judge's findings and recommendations were adopted in full.
3. A certificate of appealability was denied because reasonable jurists would not find the denial of the petition debatable or wrong and petitioner had not made the required substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“However, “denying leave is not an abuse of discretion if it is clear that granting leave to amend would have been futile.”” (at 1)

“A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal, rather an appeal is allowed only in certain circumstances.” (at 2)

FACTUAL BACKGROUND

Petitioner challenged a state conviction and sentencing enhancement in a § 2254 petition. He sought to add an ineffective-assistance-of-appellate-counsel claim based on counsel's failure to challenge the exclusion of evidence that petitioner claimed affected the validity of prior convictions used for sentencing enhancement. The proposed evidence did not establish that those underlying convictions had been overturned or were facially invalid.

PROCEDURAL HISTORY

The magistrate judge issued findings and recommendations on May 19, 2025, recommending denial of the habeas petition and declining to issue a certificate of appealability. Petitioner filed objections and a notice of appeal; the Ninth Circuit dismissed the appeal for lack of jurisdiction on July 21, 2025. Petitioner then moved to amend the petition, and the district court denied amendment as futile, conducted de novo review, adopted the findings and recommendations, denied habeas relief, declined to issue a certificate of appealability, and closed the case.

DISPOSITION

denied

CASES CITED

- Lathus v. City of Huntington Beach, 56 F.4th 1238, 1243 (9th Cir. 2023)
- Moormann v. Ryan, 628 F.3d 1102, 1106 (9th Cir. 2010)
- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36, 338 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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