

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
ARKANSAS, CENTRAL DIVISION

Jose Enrique Mendiola v. Dexter Payne, Director, Arkansas Division
of Correction

Mendiola v. Payne, No. 4:25-cv-01225-BSM-JJV (E.D. Ark. Dec. 22, 2025) · No. 4:25-cv-01225-BSM-JJV ·
Decided December 22, 2025

SUMMARY

The document is proposed findings and recommendations in Jose Enrique Mendiola’s successive petition for a writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge recommends dismissal without prejudice because Mendiola did not obtain authorization from the Eighth Circuit to file a second or successive habeas petition.

CASE DETAILS

COURT	United States District Court for the Eastern District of Arkansas, Central Division
JURISDICTION	United States District Court for the Eastern District of Arkansas, Central Division
DECIDED	December 22, 2025
DOCKET	4:25-cv-01225-BSM-JJV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Proposed findings and recommendations on preliminary review of a second or successive 28 U.S.C. § 2254 habeas petition.
STANDARD OF REVIEW	Preliminary review under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jose Enrique Mendiola v. Dexter Payne, Director, Arkansas Division of Correction

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- subject matter jurisdiction
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to consider Mendiola's § 2254 petition when he had previously filed a federal habeas petition but had not obtained Eighth Circuit authorization to file a second or successive petition.
2. Whether the petition should be dismissed without prejudice pending any authorization from the Eighth Circuit.

HOLDINGS

1. A district court lacks jurisdiction to consider a second or successive federal habeas petition unless the petitioner first obtains authorization from the appropriate court of appeals under 28 U.S.C. § 2244(b)(3).
2. An unauthorized second or successive § 2254 petition should be dismissed without prejudice so that the petitioner may refile if the court of appeals grants authorization.

KEY QUOTATIONS

“Section 2244(b)(3)(A) “acts as a jurisdictional bar to the district court’s asserting jurisdiction over any successive habeas petition” until the court of appeals has granted the petitioner permission to file one.”
(Analysis)

FACTUAL BACKGROUND

Mendiola was convicted after a 2004 Arkansas jury trial of aggravated robbery and kidnapping offenses and received an aggregate sixty-five-year sentence. His direct appeal and Arkansas Rule of Criminal Procedure 37.1 post-conviction proceedings were unsuccessful. After a prior federal § 2254 petition was dismissed with prejudice, he filed the present petition asserting jurisdictional challenges based on federal involvement, alleged prosecutorial misconduct and perjured testimony, and an allegedly invalid bench warrant.

PROCEDURAL HISTORY

Mendiola was convicted in Arkansas state court, pursued a direct appeal and Rule 37.1 post-conviction relief, and later filed a federal § 2254 petition that was dismissed with prejudice. He filed the present § 2254 petition without obtaining authorization from the Eighth Circuit to file a second or successive petition. The magistrate judge recommended dismissal without prejudice for lack of jurisdiction.

DISPOSITION

dismissed

CASES CITED

- State of Arkansas v. Jose Enrique Mendiola Jr., No. 60CR-03-2538, <https://caseinfo.arcourts.gov>

- Mendiola v. State of Arkansas, 92 Ark. App. 359, 214 S.W.3d 271 (2005)
- Mendiola v. State of Arkansas, No. CR07-915, 2009 WL 102733 (Ark. Jan. 15, 2009)
- Mendiola v. Hobbs, 5:09-cv-00226-BSM (E.D. Ark. Aug. 13, 2009)
- Williams v. Hobbs, 658 F.3d 842, 853 (8th Cir. 2011)
- Burton v. Stewart, 549 U.S. 147, 152-53, 157 (2007)
- Crone v. Cockrell, 324 F.3d 833, 836 (Sth Cir. 2003)
- Gonzalez v. Crosby, 545 U.S. 524, 530 (2005)

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