

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

Hatchett v. Clark

Hatchett · No. 2:24-cv-03744-EFB (PC) · Decided August 7, 2025

SUMMARY

The court recommends denying the petitioner’s application to proceed in forma pauperis and motion for release on bail. It further recommends dismissing the habeas petition without leave to amend because it is successive and requires prior authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3).

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            | August 7, 2025                                                                                                                                                                                                                                                                                                                               |
| DOCKET             | 2:24-cv-03744-EFB (PC)                                                                                                                                                                                                                                                                                                                       |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE | A state prisoner filed a federal habeas petition challenging prior state convictions and parole revocation, along with motions to proceed in forma pauperis and for release on bail. The magistrate judge issued findings and recommendations that the motions be denied and the petition be dismissed without leave to amend as successive. |
| STANDARD OF REVIEW | The petition was screened under the federal habeas statutes; the court determined whether it had jurisdiction over a successive petition. The application to proceed in forma pauperis was evaluated under 28 U.S.C. § 1915(a)(2).                                                                                                           |
| PRECEDENTIAL VALUE | Unknown                                                                                                                                                                                                                                                                                                                                      |
| PARTIES            | Cecil Jerome Hatchett v. Ken Clark                                                                                                                                                                                                                                                                                                           |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the court had jurisdiction to consider claims previously presented in a federal habeas petition without prior authorization from the Ninth Circuit.
2. Whether petitioner satisfied the statutory requirements to proceed in forma pauperis.
3. Whether petitioner was entitled to release on bail while litigating the habeas petition.

## HOLDINGS

1. Claims previously presented in a federal habeas petition constitute a successive petition, and the district court lacks jurisdiction to consider them unless the petitioner first obtains authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3).
2. The application to proceed in forma pauperis must be denied when the petitioner fails to provide a certified copy of the inmate trust account statement for the six-month period preceding filing.
3. The motion for release on bail should be denied because the court lacked jurisdiction over the successive habeas petition.

## KEY QUOTATIONS

*“These claims, presented again in the instant petition, are successive, and the court is without jurisdiction to consider them unless and until petitioner obtains authorization from the Ninth Circuit under 28 U.S.C. § 2244(b)(3).”* (at 2)

## FACTUAL BACKGROUND

Petitioner was incarcerated at Mule Creek State Prison and challenged a 1994 Yolo County first-degree murder conviction, possibly a Monterey County conviction, and parole revocation. His allegations were described as garbled, but he asserted factual innocence and lack of counsel during the parole revocation proceeding. The court determined that these claims had previously been rejected in an earlier habeas action.

## PROCEDURAL HISTORY

The petitioner previously litigated challenges to his parole revocation and Yolo County and Monterey County convictions in *Hatchett v. Clark*, No. 2:24-cv-1627 AC P. He filed the present petition raising the same claims without alleging that he had obtained authorization from the Ninth Circuit to file a successive petition. The magistrate judge recommended denial of in forma pauperis status and bail and dismissal of the petition, subject to review by an assigned district judge after any objections.

## DISPOSITION

dismissed

## CASES CITED

- United States v. McCandless, 841 F.3d 819, 822 (9th Cir. 2016)
- In re Roe, 257 F.3d 1077 (9th Cir. 2001)
- Hatchett v. Clark, No. 2:24-cv-1627 AC P, 2024 U.S. Dist. LEXIS 172338, at \*3-8 (E.D. Cal. Sept. 24, 2024)
- Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998)
- Martinez v. Yist, 951 F.2d 1153 (9th Cir. 1991)

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