

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Maria Moore v. Anissa De La Cruz

Moore · No. 25-cv-03567-AMO · Decided January 13, 2026

SUMMARY

The United States District Court for the Northern District of California granted the respondent’s motion to dismiss the petitioner’s freestanding actual-innocence claim in a federal habeas corpus proceeding under 28 U.S.C. § 2254. The court held that such a claim is not currently cognizable because the Supreme Court has not recognized a freestanding federal actual-innocence right, and directed the respondent to answer the remaining claims.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 13, 2026
DOCKET	25-cv-03567-AMO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas corpus relief under 28 U.S.C. § 2254. Respondent moved to dismiss the third claim, which asserted actual innocence, on the grounds that it was not cognizable and was unexhausted. The court granted the motion to dismiss claim three with prejudice and directed respondent to answer the remaining claims.
STANDARD OF REVIEW	Under 28 U.S.C. § 2254(d), relief is unavailable unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court. The court also evaluated whether the asserted actual-innocence theory was cognizable on federal habeas review.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status unknown and generally nonprecedential.
PARTIES	Maria Moore v. Anissa De La Cruz

TOPICS

federal habeas corpus

actual innocence

post-conviction relief

motions to dismiss

ineffective assistance

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

Constitutional law

QUESTIONS PRESENTED

1. Whether a freestanding claim of actual innocence is cognizable in a federal habeas petition under 28 U.S.C. § 2254.
2. Whether Moore could avoid dismissal by reframing her actual-innocence claim as support for her ineffective-assistance and due-process claims.
3. Whether actual innocence could permit the claim to proceed as a basis for excusing the one-year statute of limitations.

HOLDINGS

1. A freestanding claim of actual innocence is not cognizable on the record presented because the Supreme Court has not clearly established a federal habeas right to relief based solely on actual innocence. The third claim was therefore dismissed with prejudice.
2. Reframing the actual-innocence theory as support for ineffective-assistance and due-process claims did not permit the third claim to proceed where the petition asserted actual innocence as a separate claim and no independent cognizable basis for that claim was established.

KEY QUOTATIONS

“The United States Supreme Court has not yet recognized a free-standing claim of actual innocence as cognizable in federal habeas proceedings.” (at 1-2)

“Because there is no clearly established Supreme Court authority recognizing that a free-standing claim of actual innocence is cognizable on federal habeas review, a state court’s rejection of such a claim cannot be said to be contrary to, or involving an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.” (at 2)

“Re-framed as something other than a stand-alone claim of actual innocence, Moore’s third claim can only proceed “(i) as it relates to an error at trial; and (ii) as a basis to excuse the 1-year statute of limitations period” (at 3)

FACTUAL BACKGROUND

Moore is serving a sentence of life without the possibility of parole after a jury convicted her of first degree murder with special circumstances of financial gain and lying-in-wait. Her state conviction was affirmed on appeal, and her state habeas petition and petitions for review were denied. In federal court, she asserted ineffective assistance of counsel, a due-process challenge based on the jury's alleged use of a preponderance-of-the-evidence standard, and actual innocence.

PROCEDURAL HISTORY

Moore was convicted in California state court of first degree murder with special circumstances and sentenced to life without parole. The California Court of Appeal affirmed the judgment and summarily denied her habeas petition, and the California Supreme Court denied review. Moore then filed this federal habeas petition, and respondent moved to dismiss only the actual-innocence claim.

DISPOSITION

dismissed

CASES CITED

- People v. Moore, 2023 WL 7102005, at *6 n.6, *8 (Cal. Ct. App. 2023)
- Herrera v. Collins, 506 U.S. 390, 400-01 (1993)
- House v. Bell, 547 U.S. 518, 555 (2006)
- District Attorney’s Office for Third Judicial District v. Osborne, 557 U.S. 52, 71 (2009)
- Taylor v. Beard, 811 F.3d 326, 334 (9th Cir. 2016) (en banc)
- Dominguez v. Lackner, No. C 12-5896 RMW (PR), 2013 WL 664702, at *1 (N.D. Cal. Feb. 21, 2013)
- Garcia v. Cavallo, No. 20-CV-04167-WHO (PR), 2023 WL 2960012, at *1 (N.D. Cal. Mar. 1, 2023)

OPINION

Moore

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 MARIA MOORE, Case No. 25-cv-03567-AMO 8 Plaintiff,

ORDER GRANTING MOTION TO

9 v. DISMISS

10 ANISSA DE LA CRUZ, Re: Dkt. No. 9 Defendant. 11 12 Petitioner Maria Moore is serving a
life sentence without the possibility of parole 13 following a jury conviction for first degree
murder with the special circumstances of financial gain 14 and lying-in-wait. Dkt. No. 1 (“Pet.”)
¶¶ 1, 6, 10. The California Court of Appeal affirmed the 15 judgment and summarily denied
Moore’s petition for habeas corpus. Id. ¶¶ 12, 13; see People v. 16 Moore, 2023 WL 7102005, at
*6 n.6, *8 (Cal. Ct. App. 2023). The California Supreme Court 17 denied petitions for review in
both Moore’s appeal and the habeas case. Pet. ¶¶ 14, 15; Dkt. No. 9 18 (“Mot.”) at 2, Exs. 2 & 4.
Moore now seeks federal habeas corpus relief under 28 U.S.C. § 2254. 19 She asserts three claims
in her Petition: (1) denial of effective assistance of counsel under the 20 Sixth Amendment, (2)
denial of due process under the Fourteenth Amendment “due to the trial 21 court’s failure to
correct the jury’s application of the preponderance of the evidence standard to 22 support

Petitioner's conviction[,]” and (3) denial of “due process under the Fifth and Fourteenth 23 Amendments due to Petitioner's actual innocence.” Id. ¶¶ 18, 22, 26. 24 Respondent, Anissa De La Cruz, Acting Warden of the Central California Women's 25 Facility, moves to dismiss Moore's third claim on the grounds that it is neither cognizable nor 26 exhausted.¹ Mot. at 2-5; Dkt. No. 11 (“Reply”) at 1-3. Moore opposes. Dkt. No. 10 (“Opp.”). 27 1 Dismissal is appropriate as to claim three. The United States Supreme Court has not yet 2 recognized a free-standing claim of actual innocence as cognizable in federal habeas proceedings. 3 See *Herrera v. Collins*, 506 U.S. 390, 400-01 (1993) (“Claims of actual innocence based on newly 4 discovered evidence have never been held to state a ground for federal habeas relief absent an 5 independent constitutional violation occurring in the underlying state criminal proceeding.”); see 6 also *House v. Bell*, 547 U.S. 518, 555 (2006); *Dist. Attorney's Office for Third Judicial Dist. v. 7 Osborne*, 557 U.S. 52, 71 (2009) (“Whether such a federal right [to be released upon proof of 8 actual innocence] exists is an open question. We have struggled with it over the years, in some 9 cases assuming, arguendo, that it exists while also noting the difficult questions such a right would 10 pose and the high standard any claimant would have to meet.”) (citations omitted). The Ninth 11 Circuit has observed that it is “still an open question” whether federal habeas relief is available 12 based on a freestanding claim of actual innocence. *Taylor v. Beard*, 811 F.3d 326, 334 (9th Cir. 13 2016) (en banc) (citing *McQuiggin v. Perkins*, 133 S. Ct. 1924, 1931 (2013)). 14 Because there is no clearly established Supreme Court authority recognizing that a free- 15 standing claim of actual innocence is cognizable on federal habeas review, a state court's rejection 16 of such a claim cannot be said to be contrary to, or involving an unreasonable application of, 17 clearly established Federal law, as determined by the Supreme Court of the United States. See 18 *Dominguez v. Lackner*, No. C 12-5896 RMW (PR), 2013 WL 664702, at *1 (N.D. Cal. Feb. 21, 19 2013). Claim three is thus not cognizable² and is properly DISMISSED WITH PREJUDICE. 20 To the extent that Moore seeks to avoid this outcome by re-packaging the claim in her 21 opposition brief, those efforts fail. She asserts: 22 Petitioner does not assert actual innocence as an isolated or stand-alone claim. Rather, she invokes actual innocence in support 23 of multiple constitutional violations that occurred during her trial, including the denial of her Sixth Amendment right to the effective 24 assistance of counsel and the denial of her Fourteenth Amendment right to due process. 25 Specifically, Petitioner alleges that her trial counsel's 26 Respondent filed the instant motion in lieu of an answer, as permitted by the OSC. 27 deficient performance prejudiced the outcome of the trial and that 1 the trial court's failure to correct the jury's misapplication of the preponderance of the evidence standard—rather than the 2 constitutionally required standard of proof beyond a reasonable doubt—violated her right to a fair trial. These allegations constitute 3 distinct constitutional errors that, when considered in conjunction with her assertion of actual innocence, warrant full federal habeas 4 review. Because Petitioner's claims are grounded in established 5 constitutional protections and are not limited to a freestanding actual innocence theory, Respondent's argument that the petition is non- 6 cognizable must be rejected. Petitioner

respectfully requests that the Court permit full consideration of the constitutional claims set forth 7
in the petition, as they raise serious questions concerning the fairness and integrity of the
underlying conviction. 8

9 Opp. at 3-4.

10 Re-framed as something other than a stand-alone claim of actual innocence, Moore's third 11
claim can only proceed "(i) as it relates to an error at trial; and (ii) as a basis to excuse the 1-year
12 statute of limitations period" *Garcia v. Cavallo*, No. 20-CV-04167-WHO (PR), 2023 WL
13 2960012, at *1 (N.D. Cal. Mar. 1, 2023). Here, however, neither side raises a statute of 14
limitations issue. In fact, the Respondent describes the Petition as "timely[.]" See Mot. at 2. 15
Accordingly, even if claim three may be construed as something other than a stand-alone claim of
16 actual innocence, it nonetheless fails. Cf. *Garcia*, 2023 WL 2960012, at *1 (permitting actual
17 innocence claim to proceed "only in the context of [the petitioner's] claims of ineffective 18
assistance of counsel and as a basis for excusing [the] statute of limitations."). 19 For the reasons
set forth above, the motion to dismiss claim three is GRANTED. Claim 20 three is hereby
DISMISSED WITH PREJUDICE. 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 1 Respondent shall
file and serve an answer on Petitioner within 60 days. Respondent shall 2 || file with the answer,
and serve on Petitioner, a copy of all portions of the underlying criminal 3 || record that were
previously transcribed and are relevant to the issues. If Petitioner wishes to 4 || respond to the
answer, Petitioner shall do so by filing a traverse with the Court and serving it on 5 || Respondent
within 30 days of the date the answer is filed. 6 IT IS SO ORDERED. 7 Dated: January 13, 2026 8

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ARACELI MARTINEZ-OLGUIN

10 United States District Judge 11 a 12 13 © 15 16 it 4 18 19 20 21 22 23 24 25 26 27 28