

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

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. 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. 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 □□

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