

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Simon F. Ranteesi v. Unknown

No. 2:24-cv-02522-EFB (HC) (E.D. Cal. Sept. 18, 2025) · No. No. 2:24-cv-02522-EFB (HC) · Decided
September 19, 2025

SUMMARY

The United States District Court for the Eastern District of California grants the petitioner’s request to proceed in forma pauperis. The court dismisses his habeas petition without prejudice because it does not clearly allege a violation of federal law and challenges to parole suitability proceedings would not necessarily accelerate his release. The court grants leave to amend within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Edmund F. Brennan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 19, 2025
DOCKET	No. 2:24-cv-02522-EFB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner filed a petition or motion seeking to vacate his conviction or sentence and relief under California Penal Code sections 1473.7 and 745(a), along with a request to proceed in forma pauperis. The district court granted in forma pauperis status and summarily dismissed the habeas petition under Rule 4, without prejudice and with leave to amend.
STANDARD OF REVIEW	Under Rule 4, the court must summarily dismiss a habeas petition if it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Simon F. Ranteesi v. Unknown

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- section 1983
- prisoners rights

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil rights

QUESTIONS PRESENTED

1. Whether the filing satisfied the pleading requirements for a federal habeas petition under Rule 2 of the Rules Governing Section 2254 Cases.
2. Whether the petition stated a cognizable federal habeas claim when it challenged state-law issues and parole suitability proceedings.
3. Whether the petitioner should be permitted to amend the petition after summary dismissal under Rule 4.
4. Whether petitioner qualified to proceed in forma pauperis.

HOLDINGS

1. Petitioner was permitted to proceed in forma pauperis because the affidavit showed that he was unable to afford the costs of the action.
2. A section 2254 petition must specify each available ground for relief, summarize the supporting facts, and clearly state the relief sought; the filing did not satisfy those requirements because it did not clearly identify a violation of the federal Constitution or laws.
3. Federal habeas relief is not available to correct errors in the interpretation or application of state law.
4. A challenge to parole suitability proceedings is not cognizable under section 2254 when success would not necessarily accelerate the petitioner's release from custody; such a claim must instead be brought, if at all, under 42 U.S.C. § 1983.
5. The petition was subject to summary dismissal under Rule 4, but dismissal was without prejudice and petitioner was granted 30 days to file an amended petition identifying each claim and summarizing the supporting facts.

KEY QUOTATIONS

“notice pleading is not sufficient, for the petition is expected to state facts that point to a real possibility of constitutional error.” (Opinion at 1)

“Federal courts may not entertain habeas petitions brought under § 2254 if success on the petition would not necessarily accelerate the petitioner’s release from custody.” (Opinion at 2)

FACTUAL BACKGROUND

Petitioner is a state prisoner serving an indeterminate life term after a first-degree murder conviction. His filing sought to vacate his conviction or sentence and requested relief based on California Penal Code sections 1473.7 and 745(a). The filing primarily consisted of records concerning his parole suitability hearing and state appellate and habeas proceedings, and did not clearly explain how he was in custody in violation of the federal Constitution or federal law.

PROCEDURAL HISTORY

Petitioner filed a pro se petition in federal district court challenging matters related to his conviction and parole suitability proceedings. The court concluded that the filing did not clearly identify a federal constitutional or federal-law violation and that any challenge to parole suitability proceedings was not cognizable under 28 U.S.C. § 2254 because success would not necessarily accelerate release. The petition was dismissed without prejudice, with 30 days to amend.

DISPOSITION

dismissed

CASES CITED

- Blackledge v. Allison, 431 U.S. 63, 75 n.7 (1977)
- Swarthout v. Cooke, 562 U.S. 216, 219 (2011)
- Lewis v. Jeffers, 497 U.S. 764, 780 (1990)
- Nettles v. Grounds, 830 F.3d 922, 934-35 (9th Cir. 2016) (en banc)

OPINION

Unknown

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 SIMON F. RANTEESI, No. 2:24-cv-02522-EFB (HC)

12 Petitioner, 13 v. ORDER

14 UNKNOWN,

15 Respondent. 16

17 18 Petitioner is a state prisoner proceeding pro se. He has filed a “Motion to Vacate 19
Conviction or Sentence Penal Code 1473.7 and motion for relief due to Discrimination Penal
20 Code 745(a).” ECF No. 1. In addition, he has requested leave to proceed in forma pauperis.
21 ECF No. 7. 22 Examination of the affidavit reveals petitioner is unable to afford the costs of
this action. 23 Accordingly, leave to proceed in forma pauperis is granted. 28 U.S.C. § 1915(a).
24 Rule 2 of the Rules Governing Section 2254 Cases provides that the petition “shall specify
25 all the grounds for relief which are available to the petitioner and of which he has or by the 26
exercise of reasonable diligence should have knowledge and shall set forth in summary form the
27 facts supporting each of the grounds thus specified.” Rule 2(c), Rules Governing Section 2254
28 1 Cases. Petitioner must also clearly state the relief sought in the petition. Id. Additionally, the 2
Advisory Committee Notes to Rule 4 explains that “notice pleading is not sufficient, for the 3
petition is expected to state facts that point to a real possibility of constitutional error.” Advisory 4

Committee Notes to Rule 4; see *Blackledge v. Allison*, 431 U.S. 63, 75, n.7 (1977). 5 Petitioner’s filing does not make clear how petitioner is in custody in violation of the 6 federal Constitution or laws. In fact, apart from a title page, the filing consists entirely of records 7 pertaining to petitioner’s parole suitability hearing and state appellate and habeas proceedings. 8 To the extent that petitioner wishes to raise a challenge to any of these proceedings based on the 9 provisions of the California Penal Code cited in his caption, the court informs him that federal 10 habeas relief is not available to correct errors in the interpretation or application of state law. 11 *Swarthout v. Cooke*, 562 U.S. 216, 219 (2011); *Lewis v. Jeffers*, 497 U.S. 764, 780 (9th 1990).

12 Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254 provides for 13 summary dismissal of a habeas petition “[i]f it plainly appears from the face of the petition and 14 any exhibits annexed to it that the petitioner is not entitled to relief in the district court.” In the 15 instant case, it is plain from the petition that petitioner and appended exhibits that is not entitled 16 to federal habeas relief. 17 Federal courts may not entertain habeas petitions brought under § 2254 if success on the 18 petition would not necessarily accelerate the petitioner’s release from custody. *Nettles v. 19 Grounds*, 830 F.3d 992, 934-35 (9th Cir. 2016) (en banc). 20 Petitioner is serving an indeterminate life term following a conviction for first-degree 21 murder. ECF No. 1 at 2. To the extent he challenges his state parole suitability proceedings, 22 success on such a claim would, at best, result in a new suitability hearing. Because success would 23 not necessarily accelerate petitioner’s release, he must bring any such claim, if at all, in a civil 24 rights action under 42 U.S.C. § 1983. *Id.* at 934. 25 Therefore, the petition is dismissed with leave to amend.

Rule 4, Rules Governing

26 Section 2254 Cases. In the amended petition, petitioner must set forth each claim for relief and 27 summarize the facts he alleges support each of the identified claims. 28 ////] Accordingly, IT IS HEREBY ORDERED that: 2 1. Petitioner’s motion to proceed in forma pauperis (ECF No. 7) is GRANTED; and 3 2. The petition is dismissed without prejudice and with leave to amend within 30 days of 4 the date of this order. 5 6 || Dated: September 18, 2025 Za?! "tig a el

7 UNITED STATES MAGISTRATE IUDGE

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