

**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.

OPINION

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 8 9 10 1] 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28