

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Guillory v. San Mateo County

Guillory · No. 25-cv-00873-JST · Decided July 8, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Andrew Samuel Guillory’s pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 because he had not exhausted available state court remedies. The dismissal was without prejudice to refiling after exhaustion. The court granted leave to proceed in forma pauperis and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 8, 2025
DOCKET	25-cv-00873-JST
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254, reviewed under 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases.
STANDARD OF REVIEW	On initial review under 28 U.S.C. § 2243 and Rule 4, the court determines whether the petition shows that the applicant is entitled to habeas relief. A state prisoner must exhaust available state judicial remedies before seeking federal relief under § 2254.
PRECEDENTIAL VALUE	unknown
PARTIES	Andrew Samuel Guillory v. San Mateo County

TOPICS

- federal habeas corpus
- post-conviction relief
- state post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed because Guillory had not exhausted available state-court remedies.
2. Whether a certificate of appealability should issue.

HOLDINGS

1. A state prisoner must present each federal habeas claim to the highest available state court before seeking federal relief, absent an absence of available state corrective process or circumstances rendering that process ineffective. Because Guillory stated that he had not sought review in the California Supreme Court, the petition was dismissed without prejudice for failure to exhaust state remedies.
2. A certificate of appealability was denied.

KEY QUOTATIONS

“Before a petitioner may bring a Section 2254 petition to challenge either the fact or length of his or her confinement, the petitioner must first exhaust state judicial remedies, either on direct appeal or through collateral proceedings, by presenting the highest state court available with a fair opportunity to rule on the merits of each and every claim they seek to raise in federal court.” (at 2)

“The dismissal is without prejudice to refiling once state court remedies are exhausted.” (at 2)

FACTUAL BACKGROUND

Guillory alleged that he was on supervised release based on a conviction or nolo contendere plea in San Mateo County Superior Court criminal case number 22NFO12899. He stated that he had not sought review in the California Supreme Court. The petition concerned convictions and sentences related to failure to register, counsel, and unlawful confinement.

PROCEDURAL HISTORY

Guillory filed a federal habeas petition challenging confinement arising from a San Mateo County Superior Court criminal case. He stated that he had not sought review in the California Supreme Court. The district court dismissed the petition without prejudice for failure to exhaust state-court remedies, denied a certificate of appealability, granted in forma pauperis status, entered judgment for Respondent, and closed the case.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The dismissal was without prejudice to refiling after state-court remedies are exhausted.

CASES CITED

- Rose v. Hodges, 423 U.S. 19, 21 (1975)
- Rose v. Lundy, 455 U.S. 509, 515-16 (1982)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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