

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Chavez v. Gamboa

Chavez · No. 1:22-cv-00920-JLT-SKO (HC) · Decided November 10, 2025

OPINION

Gamboa

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 ULISES CHAVEZ,) Case No.: 1:22-cv-00920-JLT-SKO (HC)) 12 Petitioner,) ORDER
EXPANDING RECORD AND

) GRANTING PETITIONER’S REQUEST FOR

13 v.) EVIDENTIARY HEARING

14 MARTIN GAMBOA,)

) 15 Respondent.)) 16) 17 18 Petitioner is a state prisoner proceeding with a petition for writ of
habeas corpus pursuant to 28 19 U.S.C. § 2254. 20 On May 27, 2025, the Ninth Circuit remanded
the case for further factual development of 21 Petitioner’s claim for equitable tolling. (Doc. 28.)
On June 24, 2025, the Court issued an order 22 directing the parties to submit further briefing on
the issue of equitable tolling. (Doc. 31.) On

23 September 12, 2025, Respondent submitted briefing under seal. In addition, Respondent
submitted

24 evidence in the form of exhibits including: two psychological evaluations conducted on
Petitioner in 25 2008, prior to Petitioner’s trial; Petitioner’s mental health records from CDCR
from the period of

26 December 2010 through March 2023; his education and programming records while in prison;
his

27 record of effective communications with prison staff; records of Petitioner’s inmate requests
and 28 grievances; and records of his appeals in state court. (Doc. 35.) 1 Based on these records,
Respondent contends Petitioner should not be granted equitable tolling 2 because he was not
suffering “a condition so severe that he was either ‘unable rationally or factually to 3 personally
understand the need to timely file,’ or he was ‘unable personally to prepare a habeas 4 petition and
effectuate its filing’ and (2) that the impairment made it impossible under the totality of 5 the
circumstances to meet the filing deadline, whether of his own accord or with assistance, despite 6
due diligence.” (Doc. 35 at 8 (quoting *Bills v. Clark*, 628 F.3d 1092, 1099-1100 (9th Cir. 2010)). 7

Respondent further contends that even assuming an extraordinary circumstance existed, it did not
8 cause the untimely filing. 9 On November 7, 2025, Petitioner submitted briefing under seal.
Counsel for Petitioner states 10 Petitioner's legal team has not completed review of the records
obtained to date, given the volume of 11 material. Counsel states that the record at present is
insufficiently developed to render a decision on 12 Petitioner's mental capacity during the relevant
time period. Counsel seeks additional time to complete 13 an investigation into the facts of
Petitioner's mental deficiencies and an evidentiary hearing to present 14 the factual, legal and
scientific bases of Petitioner's claims of mental impairment. Although 15 Respondent has
submitted substantial relevant evidence, the Court agrees that further factual 16 development of
the record and a full evidentiary hearing are necessary to enable the parties to present 17 all
relevant, available material.

18 ORDER

19 Accordingly, IT IS HEREBY ORDERED: 20 1) The record is EXPANDED to permit the
parties to provide further factual development of 21 Petitioner's alleged mental impairment; and
22 2) Petitioner's request for evidentiary hearing is GRANTED. Scheduling order will follow. 23
24 IT IS SO ORDERED. 25 Dated: November 7, 2025 /s/ Sheila K. Oberto .

26 UNITED STATES MAGISTRATE JUDGE

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