

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Jeremy Daniel Manning v. State of Washington

Manning · No. 2:25-cv-02237-DGE-BAT · Decided January 23, 2026

OPINION

Manning

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

8

WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

9 10

JEREMY DANIEL MANNING, CASE NO. 2:25-cv-02237-DGE-

11 BAT

Petitioner,

12 v. ORDER ON REPORT AND

RECOMMENDATION (DKT. NO.

13 STATE OF WASHINGTON, 6) AND PETITIONER’S

OBJECTIONS (DKT. NO. 7)

14 Respondent. 15

16 I INTRODUCTION

17 Before the Court are Petitioner’s objections (Dkt. No. 7) to the Report and 18 Recommendation
19 (“R&R”) (Dkt. No. 6) of United States Magistrate Judge Brian A. Tsuchida, 19 which
20 recommends dismissing Petitioner’s petition for writ of habeas corpus (Dkt. No. 4) and 20
21 denying Petitioner’s motion for assignment (Dkt. No. 5) as moot. For the reasons that follow, 21
the Court ADOPTS the R&R in full. 22 23 24

1 II BACKGROUND

2 Petitioner has criminal charges pending in this District (Case No. 2:25-cr-00121-LK) and 3 in
King County Superior Court (Case No. 24-1-02939-3). (Dkt. No. 6 at 1.) He is currently 4
detained at the Federal Detention Center in SeaTac, Washington. (Id. at 1–2.) There is no 5
indication Petitioner is in the custody of the State of Washington. 6 Petitioner’s 106-page habeas
petition¹ seeks relief, among other things, on the following 7 bases: (a) the State “knowingly filed
a false affidavit”; (b) Petitioner’s innocence of the state 8 charges; (c) prosecutor misconduct,
including that the State filed “fabricated evidence” to 9 deceive a federal judge in Petitioner’s

federal case; (d) a biased investigation by the Seattle 10 police; (e) the police knowingly destroyed exculpatory evidence; (f) the “denial of access to state 11 courts” in violation of Petitioner’s First Amendment rights; (g) the denial of Petitioner’s speedy 12 trial rights; and (h) “outrageous” government conduct that was “so grossly shocking and so 13 outrageous as to violate the universal sense of justice.” (Dkt. No. 4 at 1–4.) Petitioner has also 14 filed a motion to assign this matter to the Honorable Lauren King, who is presiding over 15 Petitioner’s federal criminal case, which involves charges of possession of child pornography. 16 (See Dkt. No. 5); Case No. 2:25-cr-00121-LK. 17 On November 21, 2025, Judge Tsuchida issued an R&R recommending this Court 18 abstain from interfering in the pending state court case under the Younger abstention doctrine 19 1 In the R&R, Judge Tsuchida notes that because Petitioner has not yet been convicted of the 20 state charges he challenges, his habeas petition is construed as brought under 28 U.S.C. § 2241 rather than § 2254. See *White v. Lambert*, 370 F.3d 1002, 1007 (9th Cir. 2004) (if a prisoner is 21 not in custody pursuant to a state court judgment, § 2254 does not apply and the prisoner must resort to § 2241). Notwithstanding, Petitioner’s habeas petition fails under both § 2241 and 22 § 2254 because Petitioner does not assert his current custody is unlawful. See Section IV(B) *infra*. Instead, he appears to challenge the manner in which his criminal charges have been 23 prosecuted and investigated. (E.g., Dkt. No. 4 at 2–3) (discussing federal prosecutorial misconduct by the U.S. Attorney and a biased investigation by Seattle police). 24 1 and dismiss the habeas petition without prejudice. (Dkt. No. 6 at 6.) The R&R also 2 recommended denying the motion for reassignment (Dkt. No. 5) as moot. Petitioner timely filed 3 his objections on December 2. (Dkt. No. 7.)

4 III STANDARD OF REVIEW

5 A district court reviews *de novo* “those portions of the report or specified proposed 6 findings or recommendations to which [an] objection is made.” 28 U.S.C. § 636(b)(1)(C); see 7 also Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de novo* any part of the 8 magistrate judge’s disposition that has been properly objected to.”). 9 Objections to an R&R must be “specific.” Fed. R. Civ. P. 72(b)(2). “[M]ere 10 incorporat[ion]” of arguments from the underlying motions, without identifying “what portions 11 of the R&R” the objecting party “considers to be incorrect,” does not constitute a specific 12 objection, *Amaro v. Ryan*, 2012 WL 12702, at *1 (D. Ariz. Jan. 4, 2012), and therefore does not 13 give rise to a court’s obligation to conduct a *de novo* review, *Brandon v. Dep’t of Corr.*, 2021 14 WL 5937685, at *1 (W.D. Wash. Dec. 16, 2021). “In the absence of a specific objection, the 15 [C]ourt need only satisfy itself that there is no ‘clear error’ on the face of the record before 16 adopting the magistrate judge’s recommendation.” *Venson v. Jackson*, 2019 WL 1531271, at *1 17 (S.D. Cal. April 8, 2019). Notwithstanding, “[t]he district judge may accept, reject, or modify 18 the recommended disposition; receive further evidence; or return the matter to the magistrate 19 judge with instructions.” Fed. R. Civ. P. 72(b)(3).

20 IV DISCUSSION

21 A. Younger Abstention 22 Judge Tsuchida recommends (1) dismissing Petitioner’s petition for

writ of habeas corpus 23 (Dkt. No. 4) and (2) denying as moot Petitioner's motion for assignment (Dkt. No. 5). (Dkt. No. 24 1 6 at 1.) Petitioner's objections to the R&R are as follows: (1) the state of Washington has "made 2 it clear there will be no progressing in this case[.]" which cuts against the first Younger factor 3 that there is an "ongoing" case (Dkt. No. 7 at 2); (2) the state is not representing important state 4 interests and is rather acting as an "agent of the federal prosecutor[.]" which cuts against the 5 second Younger factor (id. at 4); (3) Petitioner has been barred from litigating federal 6 constitutional issues in his state court case because he has never had counsel appear for him in 7 state court and the court is delaying proceedings, which cuts against the third Younger factor (id. 8 at 4–7); and (4) the state court is violating Petitioner's constitutional rights by not allowing 9 Petitioner to litigate, which cuts against the fourth Younger factor (id. at 8–9). In sum, 10 Petitioner's objections seem to be primarily targeted at the speed and manner at which his state 11 court case is progressing. Petitioner also rehashes many of the arguments in his habeas petition, 12 arguing prosecutors engaged in bad faith, fabricated evidence, and tampered with witnesses, 13 which he argues should exempt his case from Younger abstention. (Id. at 8–9.) 14 The Court reviews de novo Petitioner's petition for writ of habeas corpus and agrees with 15 Judge Tsuchida that the Younger abstention doctrine applies. Therefore, this Court should 16 abstain from interfering in Petitioner's ongoing state court proceedings. 17 The Younger abstention doctrine mandates that federal courts must generally abstain 18 from interfering in a parallel, pending state criminal proceeding. *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 72 (2013) (discussing *Younger v. Harris*, 401 U.S. 37, 43–54 (1971)). This 20 prohibition applies to petitions for writ of habeas corpus. See *Drury v. Cox*, 457 F.2d 764, 764– 21 765 (9th Cir. 1972) ("only in the most unusual circumstances is a defendant entitled to have 22 federal interposition by way of injunction or habeas corpus until after the jury comes in, 23 judgment has been appealed from and the case concluded in the state courts."). 24 1 The Court must abstain under Younger if four requirements are met: (1) a state-initiated 2 proceeding is ongoing; (2) the proceeding implicates important state interests; (3) the federal 3 plaintiff is not barred from litigating federal constitutional issues in the state proceeding; and (4) 4 the federal court action would enjoin the proceeding or have the practical effect of doing so, i.e., 5 would interfere with the state proceeding in a way that Younger disapproves. *San Jose Silicon 6 Valley Chamber of Com. Pol. Action Comm. v. City of San Jose*, 546 F.3d 1087, 1092 (9th Cir. 7 2008). 8 The Court agrees with Judge Tsuchida that all four Younger requirements have been met 9 in this case. First, it is indisputable that there is a state-initiated proceeding ongoing: Petitioner 10 cites to the case number multiple times throughout both his objections and his other filings. (See 11 Dkt. Nos. 4 at 1; 5 at 1; 7 at 3, 5.) Second, the proceeding implicates important state interests, 12 because the state's interest in administering its criminal justice system "free from federal 13 interference is one of the most powerful" considerations. *Kelly v. Robinson*, 479 U.S. 36, 49 14 (1986). Third, Petitioner has not put forth any evidence of "procedural bars" to raising a federal 15 claim in his state proceedings. *Commc'ns Telesystems Int'l v. Cal. Pub. Utility Comm'n*, 196 16

F.3d 1011, 1020 (9th Cir. 1999). Petitioner argues there is no way for him to litigate a case “in a 17 court that is ignoring anything related to this case and has made it clear the court will take ‘no 18 action’ in this case.”² (Dkt. No. 7 at 7.) But “when a litigant has not attempted to present his 19 20 2 Judge Tsuchida took judicial notice that defense counsel had appeared in Petitioner’s state case and that a motion to suppress had been filed. (Dkt. No. 6 at 3 n.1.) Petitioner objects, stating he 21 has not been represented “in any court proceeding in his current state case,” and that no motion to suppress has been filed. (Dkt. No. 7 at 4, 6.) This Court reviews de novo and takes judicial 22 notice pursuant to Federal Rule of Evidence 201 of several filings in Petitioner’s state criminal case because they can be accurately and readily determined from sources whose accuracy cannot 23 be reasonably questioned. According to the King County Superior Court Clerk’s office, (1) a notice of withdrawal and substitution of counsel was filed on December 19, 2024; (2) a notice of 24 1 federal claims in related state-court proceedings, a federal court should assume that state 2 procedures will afford an adequate remedy, in the absence of unambiguous authority to the 3 contrary.” *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 15 (1987). Petitioner has not met his burden 4 on the third Younger element. *Id.* Fourth, the federal habeas petition would certainly enjoin the 5 state court proceeding, because Petitioner “seeks relief in the dismissal of the warrant and 6 probable cause of Washington State No. 24-1-02939-3,” and “relief in dismissal with 7 ‘prejudice.’” (Dkt. No. 4 at 5.) Furthermore, Petitioner’s frustration at the speed of his 8 prosecution does not exempt his case from abstention. See *Logue v. Guyer*, CV 20-01-M-DLC- 9 KLD, 2020 WL 1921962, at *1 (D. Mont. Apr. 21, 2020) (“[W]hile [the petitioner] may be 10 frustrated with the speed at which his state cases are proceeding, he makes no showing of ‘bad 11 faith, harassment, or some other extraordinary circumstance that would make abstention 12 inappropriate.’”) (citation omitted); *Johnson v. Fitial*, Civil Case No. 1:09-CV-000023, 2012 WL 13 12542689, at *5 (D. N. Mar. I. Sept. 26, 2012) (“The federal courts should not step in to enforce 14 state court judgments because a federal [petitioner] wants to speed up or delay state court 15 proceedings.”). 16 The Court also agrees with Judge Tsuchida that Petitioner has not met his burden to show 17 bad faith, harassment, or some other extraordinary circumstance to exempt his habeas petition 18 from Younger abstention. See *Middlesex Cnty. Ethics Comm’n v. Garden State Bar Ass’n*, 457 19 U.S. 423, 435 (1982). Petitioner reiterates that his prosecution involved fabricated evidence, 20 changed witness statements and police reports, and withheld evidence, despite prosecutors 21 knowing that he is innocent. (Dkt. No. 7 at 8–9.) But these conclusory arguments, without 22 23 withdrawal of attorney was filed on April 10, 2025; and (3) a motion to suppress was filed on June 17, 2025. 24 1 factual support, do not fit into the “narrow” exceptions to Younger abstention, which “may not 2 be utilized unless” Petitioner can “allege and prove” bad faith or harassment. *Gibson v. Schmidt*, 3 522 F. Supp. 3d 804, 816 (D. Or. 2021) (cleaned up and citations omitted). “The bad faith 4 exception does not come into play simply because the state might have brought a weak case 5 against a defendant.” *Id.* 6 B. Independent of Younger, Petitioner’s Habeas Petition Fails Because Petitioner Does Not Challenge His Current Detention.

7 A petition for writ of habeas corpus may be filed under 28 U.S.C. § 2254 where the 8 petitioner alleges he “in custody pursuant to the judgment of a State Court . . . in violation of the 9 Constitution or the laws or treaties of the United States.” 28 U.S.C. § 2254(a). Absent a 10 judgment of a state court, a person may not proceed under 28 U.S.C. § 2254. *White*, 370 F.3d at 11 1006, rev’d on other grounds, *Hayward v. Marshall*, 603 F.3d 546 (9th Cir. 2010). In contrast, a 12 petition for writ of habeas corpus may be filed under 28 U.S.C. § 2241 where a person alleges he 13 “is in custody in violation of the Constitution or laws or treaties of the United States.” *Id.* 14 Here, Petitioner is being held at the Federal Detention Center. (Dkt. No. 6 at 1–2.) There 15 is no allegation his current detention is the result of a state court judgment. Thus, the petition 16 fails under § 2254. Similarly, because he makes no allegation that his current detention at the 17 Federal Detention Center is in violation of the Constitution or laws or treaties of the United 18 States, the petition fails under § 2241. At present, there is no basis to grant a writ of habeas 19 corpus.³ 20 21 3 The Court also agrees with Judge Tsuchida’s assessment that a certificate of appealability 22 (“COA”) should be denied because Petitioner has not made a “substantial showing of the denial of a constitutional right.” (Dkt. No. 6 at 4–5) (citation omitted); see also *Wilson v. Belleque*, 554 23 F.3d 816, 825 (9th Cir. 2009). There also is no basis to grant the Petition because it fails to allege his current detention is unlawful. 24

1 V CONCLUSION

2 The Court has reviewed Petitioner’s objections (Dkt. No. 7) Judge Tsuchida’s R&R (Dkt. 3 No. 6), and the underlying record. The Court ADOPTS the R&R in full and ORDERS:

4 1. Petitioner’s petition for writ of habeas corpus (Dkt. No. 4) is DISMISSED without 5 prejudice; 6 2. A COA is DENIED; and 7 3. Petitioner’s motion for reassignment (Dkt. No. 5) is DENIED as moot. 8 The Clerk shall provide a copy of this order to Petitioner. 9 10 Dated this 23rd day of January 2026. 11 a 12 David G. Estudillo 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24