

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
CALIFORNIA

**Randolph v. Schultz**

Case No. 25-cv-02895-JD · No. 25-cv-02895-JD · Decided July 8, 2025

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OPINION

Randolph v. Schultz

PER CURIAM.

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2 UNITED STATES DISTRICT COURT

3 NORTHERN DISTRICT OF CALIFORNIA

4 5 ROBERT RANDOLPH, Case No. 25-cv-02895-JD 6 Petitioner,

ORDER REOPENING CASE AND RE

7 v. DISMISSAL

8 J. SCHULTZ,

Respondent. 9 10 11 Robert Randolph, a state prisoner, filed a pro se petition for a writ of habeas corpus 12 pursuant to 28 U.S.C. § 2254. The case was dismissed without prejudice when petitioner failed to 13 pay the filing fee or submit a complete application for leave to proceed in forma pauperis. 14 Petitioner has now paid the filing fee. The case is reopened, and the Court will review the 15 petition. Petitioner was convicted in Sonoma County, which is in this district, so venue is proper 16 here. See 28 U.S.C. § 2241(d).

17 BACKGROUND

18 A jury found petitioner guilty of two counts of first-degree murder, one count of attempted 19 murder, and several special circumstances and sentencing enhancements. *People v. Randolph*, No. 20 A166813, 2024 WL 4159151, at \*1 (Cal. Ct. App. Sep. 11, 2024). He was sentenced to life 21 sentences for each murder, and 82 years to life for the attempted murder and enhancements. *Id.* 22 The California Court of Appeal affirmed the conviction. *Id.* The California Supreme Court 23 denied review. Dkt. No. 9 at 6. A habeas petition to the Sonoma County Superior Court was 24 denied. *Id.*

25 DISCUSSION

26 STANDARD OF REVIEW

27 The Court will hear a petition for writ of habeas corpus “in behalf of a person in custody 1 the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a); *Rose v. Hodges*, 2 423 U.S. 19, 21 (1975). Habeas corpus petitions must meet heightened pleading requirements. 3 *McFarland v. Scott*, 512 U.S. 849, 856 (1994). An application for a federal writ of habeas corpus 4 filed by a prisoner who is in state custody pursuant to a judgment of a state court must “specify all

5 the grounds for relief available to the petitioner ... [and] state the facts supporting each ground.”  
6 Rule 2(c) of the Rules Governing § 2254 Cases, 28 U.S.C. § 2254. “[N]otice’ pleading is not  
7 sufficient, for the petition is expected to state facts that point to a ‘real possibility of  
8 constitutional error.’” Rule 4 Advisory Committee Notes (quoting *Aubut v. Maine*, 431 F.2d 688,  
689 (1st Cir. 9 1970)).

## 10 LEGAL CLAIMS

11 As grounds for federal habeas relief, petitioner says that: (1) his sentence is illegal; (2) he 12 is  
actually innocent; (3) counsel was ineffective; (4) the prosecutor committed misconduct; (5) the  
13 trial court erroneously admitted false evidence; (6) judicial misconduct; (7) he was denied the  
14 ability to present a complete defense; and (8) cumulative error. Dkt. No. 9 at 2, 12-41. 15 The  
only claims presented on direct appeal to the California Court of Appeal argued that 16 there was  
an improper jury instruction concerning an in-custody witness and there was cumulative 17  
prejudice. *Randolph*, 2024 WL 4159151, at \*3-4. It is not clear what claims were presented to the  
18 California Supreme Court and petitioner indicates that the only state habeas petition was filed  
in 19 the superior court. Dkt. No. 9 at 6. 20 Before he may challenge either the fact or length of  
his confinement in a habeas petition in 21 this Court, petitioner must present to the California  
Supreme Court any claims he wishes to raise 22 in this Court. See *Rose v. Lundy*, 455 U.S. 509,  
522 (1982) (holding every claim raised in federal 23 habeas petition must be exhausted). The  
general rule is that a federal district court must dismiss a 24 federal habeas petition containing any  
claim as to which state remedies have not been exhausted. 25 *Id.* 26 In *Rhines v. Weber*, 544 U.S.  
269 (2005) the United States Supreme Court found that a 27 stay and abeyance of a federal  
petition should be available only in the limited circumstance that ] claims at issue potentially have  
merit and that there has been no indication that petitioner has been 2 || intentionally dilatory in  
pursuing the litigation. /d. at 277-78. 3 The petition is dismissed with leave to amend. In an  
amended petition, petitioner must 4 || indicate what claims were exhausted by being presented to  
the California Supreme Court. If he 5 seeks to exhaust further claims, he may file a motion for a  
stay addressing the *Rhines* factors.

## 6 CONCLUSION

7 1. The Clerk is requested to reopen this case. 8 2. The petition is dismissed with leave to amend.  
An amended petition or motion for a 9 || stay must be filed within twenty-eight (28) days of the  
date this order is filed and must include the 10 || caption and civil case number used in this order  
and the words amended petition or motion for a 11 stay on the first page. Failure to file an  
amended petition or motion for a stay may result in the 12 || dismissal of this action. E 13 3. It is  
the petitioner’s responsibility to prosecute this case. Petitioner must keep the Court 14 || informed  
of any change of address by filing a separate paper with the clerk headed “Notice of 3 15 Change  
of Address,” and must comply with the Court’s orders in a timely fashion. Failure to do 16 || so  
may result in the dismissal of this action for failure to prosecute pursuant to Federal Rule of i 17 ||  
Civil Procedure 41(b). 18 IT IS SO ORDERED. 19 || Dated: July 8, 2025 20 21

JAMES ATO

22 United Sftes District Judge 23 24 25 26 27 28

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