

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Chavez v. Smith

Chavez · No. 25-cv-04111-TLT · Decided September 29, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
ENRIQUE G. CHAVEZ, Case No. 25-cv-04111-TLT 8 Petitioner, ORDER OF DISMISSAL; 9
Vv. DENYING CERTIFICATE OF APPEALABILITY 10 STEPHEE SMITH, ll Respondent. qg
12 13 Enrique Chavez, a state prisoner proceeding pro se, filed a petition for a writ of habeas v 14
|| corpus pursuant to 28 U.S.C. Section 2254.

His motion for leave to proceed in forma pauperis, 15 || Dkt. No. 6, is granted. Chavez raises only
one claim: that restitution was imposed on him in Q 16 || violation of California law in light of his
sentence of life without parole. A claim based only in = 17 state law is not a cognizable claim in
federal habeas. See *Swarthout v. Cooke*, 562 U.S. 216, 219 18 || (2011).

The claim also appears to be untimely and not exhausted in the California courts. 19 A certificate
of appealability will not issue. See 28 U.S.C. § 2253(c). This is not a case in 20 || which
“reasonable jurists would find the district court’s assessment of the constitutional claims 21
debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). 22 This order terminates
Docket No. 6.

The Clerk shall enter judgment for the respondent and 23 || close the file. 24 IT IS SO ORDERED.
25 Dated: September 26, 2025 26 28 A ON United States District Judge