

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Christopher Box v. James Hill, Warden

Box v. Hill · No. 04cv0619-AJB (AHG) · Decided March 27, 2025

SUMMARY

This is a United States District Court order identifying issues for oral argument in a capital habeas corpus case. The order sets the June 26, 2025 hearing and allocates time for argument on specified Batson, ineffective-assistance, evidentiary-hearing, procedural-defense, timeliness, exhaustion, and related claims.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Anthony J. Battaglia
DECIDED	March 27, 2025
DOCKET	04cv0619-AJB (AHG)
DISPOSITION	other
PROCEDURAL POSTURE	The district court issued an interlocutory order identifying issues for oral argument and allocating argument time in a capital federal habeas corpus proceeding. The court had under submission a request for an evidentiary hearing, the respondent's request to dismiss certain claims based on procedural defenses, and pleadings concerning the petitioner's notice of lodgment.
STANDARD OF REVIEW	The order identifies de novo review as applicable to Claim 10 based on the parties' apparent agreement, while requesting argument regarding deference to state-court factual findings under <i>Stevens v. Davis</i> . It also directs the parties to address the standards governing federal habeas review under 28 U.S.C. § 2254(d) and evidentiary hearings under § 2254(e)(2).
PRECEDENTIAL VALUE	Nonprecedential interlocutory order
PARTIES	Christopher Box v. James Hill, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- statute of limitations
- criminal procedure

PRACTICE AREAS

Federal habeas corpus

Capital habeas corpus

Criminal procedure

Post-conviction relief

QUESTIONS PRESENTED

1. What issues should be addressed during oral argument concerning the merits of Claims 10, 26A, and 27A?
2. Whether petitioner is entitled to an evidentiary hearing on the specified habeas claims, including the effect of 28 U.S.C. § 2254(e)(2).
3. Whether materials not previously presented to the state court may be considered under 28 U.S.C. § 2254(d), including materials identified in petitioner's notice of lodgment.
4. Whether procedural defenses, including the rule discussed in *In re Waltreus*, preclude review of particular materials or claims.
5. Whether specified claims are timely under the applicable statute of limitations and whether certain claims relate back to the original petition.
6. Whether Claims 27B and 27E are identical or materially different and whether Claim 27B is exhausted.

KEY QUOTATIONS

“Following oral argument, the Court will take the pending matters in this case under submission” (Opinion at 2)

FACTUAL BACKGROUND

Christopher Box is a state prisoner whose capital conviction and sentence are challenged in a federal habeas corpus petition. The petition presents numerous claims, including a *Batson* challenge to the prosecution's peremptory strikes and ineffective-assistance claims concerning investigation and presentation of mental-health and mitigation evidence. The order references the state-court record, including trial and penalty-phase evidence, but does not make factual findings or resolve the claims.

PROCEDURAL HISTORY

Petitioner filed an operative petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court scheduled oral argument for June 26, 2025, directed the parties to address specified merits and procedural issues, and stated that the pending matters would be taken under submission after argument. This order did not resolve the merits of any claim or the pending procedural motions.

DISPOSITION

other

CASES CITED

- *Stevens v. Davis*, 25 F.4th 1141, 1165-66 (9th Cir. 2014)

- Crittenden v. Ayers, 624 F.3d 943, 955 (9th Cir. 2010)
- Batson v. Kentucky, 476 U.S. 79, 93-97 (1986)
- California v. Johnson, 545 U.S. 162, 168 (2005)
- Shinn v. Ramirez, 596 U.S. 366 (2022)
- In re Waltreus, 62 Cal. 2d 218, 225 (1965)

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