

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Eric Wilton Burton v. Raul Morales

Burton v. Morales · No. 2:25-cv-3068 CSK P · Decided October 31, 2025

SUMMARY

The United States District Court for the Eastern District of California orders the transfer of Eric Wilton Burton’s habeas corpus petition to the Fresno Division. The petition challenges the California Board of Parole Hearings’ denial of parole, and the court concludes that venue is proper in the district where the petitioner is confined.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 31, 2025
DOCKET	2:25-cv-3068 CSK P
DISPOSITION	other
PROCEDURAL POSTURE	A state prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the California Board of Parole Hearings' denial of parole. The district court transferred the action from its current division to the Fresno Division because the petitioner was confined within that division.
PRECEDENTIAL VALUE	Unknown
PARTIES	Eric Wilton Burton v. Raul Morales

TOPICS

- federal habeas corpus
- venue
- civil procedure
- post-conviction relief

PRACTICE AREAS

- federal habeas corpus
- venue
- civil procedure

QUESTIONS PRESENTED

1. Whether a federal habeas petition challenging the denial of parole should be heard in the district or division where the prisoner is confined.
2. Whether the action should be transferred to the Fresno Division of the Eastern District of California under Local Rule 120(f).

HOLDINGS

1. A petition challenging the denial of parole, which concerns the execution of a sentence, is properly brought in the district or division where the prisoner is confined.
2. When a civil action has not been commenced in the proper division, the court may transfer the action to the proper division on its own motion.

KEY QUOTATIONS

“The proper forum to challenge the execution of a sentence is the district where the prisoner is confined.” (at 1)

“Consequently, the instant petition is one for review of the execution of a sentence.” (at 1)

FACTUAL BACKGROUND

Petitioner is a California state prisoner incarcerated at the California Substance Abuse Treatment Facility in Kings County. He challenged the California Board of Parole Hearings' March 26, 2025 decision denying him parole. Because Kings County lies within the Fresno Division of the Eastern District of California, the court determined that the action was filed in the improper division.

PROCEDURAL HISTORY

Petitioner filed a federal habeas petition challenging the March 26, 2025 denial of parole. The Eastern District of California determined that the petition concerned execution of the sentence and that the proper division was the Fresno Division, where petitioner was incarcerated, and ordered transfer on the court's own motion.

DISPOSITION

other

CASES CITED

- Rosas v. Nielsen, 428 F.3d 1229, 1232 (9th Cir. 2005)
- Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989)

OPINION

Morales

PER CURIAM.

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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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11 ERIC WILTON BURTON, No. 2:25-cv-3068 CSK P

12 Petitioner, 13 v. ORDER

14 RAUL MORALES,

15 Respondent. 16

17 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas 18
corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the March 26, 2025 decision of the 19
California Board of Parole Hearings to deny him parole. Consequently, the instant petition is one
20 for review of the execution of a sentence. See *Rosas v. Nielsen*, 428 F.3d 1229, 1232 (9th Cir.
21 2005) (denial of parole is “a decision ‘regarding the execution’ of” a prison sentence). As a 22
general rule, “[t]he proper forum to challenge the execution of a sentence is the district where the
23 prisoner is confined.” *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989). Petitioner is 24
incarcerated at the California Substance Abuse Treatment Facility, County of Kings, which lies in
25 the Fresno Division of the United States District Court for the Eastern District of California. 26
Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper 27
division of a court may, on the court’s own motion, be transferred to the proper division of the 28
court. Therefore, this action will be transferred to the Fresno Division of the court.] Good cause
appearing, IT IS HEREBY ORDERED that: 2 1. This action is transferred to the United States
District Court for the Eastern District of 3 | California sitting in Fresno; and 4 2. All future filings
shall reference the new Fresno case number assigned and shall be 5 || filed at: United States
District Court 6 Eastern District of California 2500 Tulare Street 7 Fresno, CA 93721 8 9 10 ||
Dated: October 31, 2025 eq - S\$.

CHI SOO KIM

UNITED STATES MAGISTRATE JUDGE

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