

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Robert Anthony Taylor v. Superior Court of California, County of
Sacramento

Taylor · No. 2:24-cv-02271-DC-CKD (HC) · Decided March 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted findings and recommendations in part and dismissed Robert Anthony Taylor’s federal habeas corpus petition without prejudice. The court held that Taylor had not exhausted his state remedies because his state appeal remained pending, declined to issue a certificate of appealability, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena M. Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 31, 2025
DOCKET	2:24-cv-02271-DC-CKD (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended dismissal as duplicative of an earlier habeas action, the district court conducted de novo review, declined to dismiss on the duplicative-action ground because the earlier action had been closed, and dismissed the petition without prejudice for failure to exhaust state remedies.
STANDARD OF REVIEW	De novo review of the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Robert Anthony Taylor v. Superior Court of California, County of Sacramento

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition should be dismissed as duplicative of Taylor's previously filed federal habeas action.
2. Whether the petition should be dismissed without prejudice because Taylor had not exhausted available state remedies.
3. Whether the court should issue a certificate of appealability.

HOLDINGS

1. The court declined to summarily dismiss the petition as duplicative because the earlier Taylor I petition had already been dismissed and that case had been closed.
2. A federal habeas petition must be dismissed without prejudice when the petitioner has not first exhausted state remedies.
3. The court declined to issue a certificate of appealability because reasonable jurists would not find the procedural dismissal debatable or wrong.

KEY QUOTATIONS

"The exhaustion of state remedies is a prerequisite to the granting of a petition for writ of habeas corpus." (at 1)

"Accordingly, the court will dismiss Petitioner's federal habeas petition due to his failure to first exhaust state remedies and will close this case." (at 1)

"Where, as here, the court denies habeas relief on procedural grounds without reaching the underlying constitutional claims, the court should issue a certificate of appealability 'if jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.'" (at 2)

FACTUAL BACKGROUND

Taylor was a state prisoner who filed a federal habeas petition while his appeal remained pending in the California Court of Appeal. Although he stated that he had appealed his conviction to the highest state court, the state appellate docket showed that his appeal had not concluded. Because the state appellate proceedings were ongoing, the court determined that Taylor had not exhausted his state remedies.

PROCEDURAL HISTORY

Taylor filed a § 2254 petition challenging his state custody. A magistrate judge recommended dismissal because the petition duplicated Taylor's earlier federal habeas petition, Taylor v. District of Attorney, No. 2:24-cv-01400-DJC-SCR, which had been dismissed for failure to exhaust state remedies. Taylor filed objections. The district court adopted the findings and recommendations in part, rejected the duplicative-petition rationale, dismissed the present petition without prejudice for failure to exhaust, declined to issue a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Taylor v. District of Attorney, No. 2:24-cv-01400-DJC-SCR (E.D. Cal. Sept. 18, 2024)
- Picard v. Connor, 404 U.S. 270, 276 (1971)
- O’Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc., 971 F.2d 244, 248 (9th Cir. 1992)
- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

(HC) Taylor v. Superior Court of CA County of Sacramento

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10

11 ROBERT ANTHONY TAYLOR, No. 2:24-cv-02271-DC-CKD (HC)

12 Petitioner,

13 v. ORDER ADOPTING IN PART FINDINGS

AND RECOMMENDATIONS AND

14 SUPERIOR COURT OF CALIFORNIA DISMISSING HABEAS PETITION

COUNTY OF SACRAMENTO,

15 (Doc. No. 5) Respondent. 16 17 Petitioner Robert Anthony Taylor, a state prisoner proceeding pro se, filed a petition for 18 writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 18, 2024, the assigned magistrate judge issued findings and recommendations 21 recommending Petitioner’s federal habeas petition be dismissed because it was duplicative of 22 another habeas petition Petitioner filed in this district: Taylor v. District of Attorney, No. 2:24-cv- 23 01400-DJC-SCR, Doc. No. 7, (E.D. Cal. Sep. 18, 2024) (“Taylor I”). In

Taylor I, the court 24 dismissed the action due to Petitioner's failure to exhaust state remedies. (See Taylor I, Doc. No. 25 11.) The findings and recommendations were served on Petitioner and contained notice that any 26 objections thereto were to be filed within fourteen (14) days from the date of service. (Doc. No. 5 27 at 2.) On November 12, 2024, Petitioner filed objections to the pending findings and 28 recommendations, which the court read and considered. (Doc. No. 6.) 1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a 2 de novo review of the case. Having carefully reviewed the entire file, including Petitioner's 3 response, the court concludes that the pending findings and recommendations are supported by 4 the record and proper analysis. However, because the petition in Taylor I has already been 5 dismissed and that case has been closed, the court declines to summarily dismiss Petitioner's 6 petition in this action on the ground that it is duplicative of the petition in Taylor I. Rather, the 7 court will dismiss the petition without prejudice because, here too, Petitioner has failed to exhaust 8 state remedies. 9 The exhaustion of state remedies is a prerequisite to the granting of a petition for writ of 10 habeas corpus. 28 U.S.C. § 2254(b)(1). A petitioner satisfies the exhaustion requirement by 11 providing the highest state court with a full and fair opportunity to consider each habeas claim 12 before presenting that claim to the federal court. *Picard v. Connor*, 404 U.S. 270, 276 (1971); 13 *O'Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999). 14 In his petition, Petitioner notes he has appealed his conviction to the highest state court, 15 but he also states his case is pending before the California Court of Appeals. (Doc. No. 1 at 2–3.) 16 A review of the docket in Petitioner's ongoing appeal in state court reflects he has not exhausted 17 state remedies. See *People v. Taylor*, No. C100500 (Cal. Ct. App. 3d).1 Accordingly, the court 18 will dismiss Petitioner's federal habeas petition due to his failure to first exhaust state remedies 19 and will close this case. However, the petition will be dismissed without prejudice to Petitioner 20 filing a habeas petition to initiate a new federal habeas case after he has exhausted state 21 remedies.2 22

1 The court takes judicial notice of Petitioner's state court appeal. See *U.S. ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (holding a court "may take notice of proceedings in other courts, both within and without the federal judicial 24 system, if those proceedings have a direct relation to matters at issue") (citation omitted)). 25 2 Petitioner is cautioned that the habeas corpus statute imposes a one-year statute of limitations for filing non-capital habeas corpus petitions in federal court. In most cases, the one-year period 26 will start to run on the date on which the state court judgment became final by the conclusion of 27 direct review or the expiration of the time for seeking direct review, although the statute of limitations is tolled while a properly filed application for state post-conviction or other collateral 28 review is pending. 28 U.S.C. § 2244(d). 1 Having concluded that the pending petition must be dismissed, the court also declines to 2 | issue a certificate of appealability. A petitioner seeking a writ of habeas corpus has no absolute 3 | right to appeal; he may appeal only in limited circumstances. See 28 U.S.C. § 2253; *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). If a court denies a petitioner's petition, the court may 5 | only issue a certificate of appealability when

a petitioner makes a substantial showing of the 6 | denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Where, as here, the court denies habeas 7 | relief on procedural grounds without reaching the underlying constitutional claims, the court 8 | should issue a certificate of appealability “if jurists of reason would find it debatable whether the 9 | petition states a valid claim of the denial of a constitutional right and that jurists of reason would 10 | find it debatable whether the district court was correct in its procedural ruling.” Slack v. 11 | McDaniel, 529 U.S. 473, 484 (2000). In the present case, the court finds that reasonable jurists 12 | would not find the court’s determination that the pending petition must be dismissed to be 13 | debatable or wrong. Thus, the court declines to issue a certificate of appealability. 14 Accordingly, 15 1. The findings and recommendations issued on October 18, 2024 (Doc. No. 5) are 16 ADOPTED in part, as explained herein; 17 2. The petition for writ of habeas corpus (Doc. No. 1) is dismissed without prejudice 18 due to Petitioner’s failure to exhaust state remedies; 19 3. The court declines to issue a certificate of appealability; and 20 4. The Clerk of the Court is directed to close this case. 21 22 73 IT IS SO ORDERED. □

o4 | Dated: _Mareh 30, 2025 DUC Dena Coggins 25 United States District Judge 26 27 28