

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Wight v. Unknown

Case No. 25cv2504-JAH (DEB) · No. 25cv2504-JAH (DEB) · Decided October 2, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Marvin Meyer Wight’s § 2254 habeas petition without prejudice because he neither paid the filing fee nor submitted an in forma pauperis application and failed to name a proper respondent. The court also notified him that the petition could be dismissed in the future for failure to allege exhaustion of state court remedies as to every claim. The court ordered him to cure the filing-fee defect or submit an in forma pauperis application by December 5, 2025.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	John A. Houston
JURISDICTION	United States District Court for the Southern District of California
DECIDED	October 2, 2025
DOCKET	25cv2504-JAH (DEB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	State prisoner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court dismissed the petition without prejudice because the filing fee had not been paid or excused and no proper respondent had been named, while notifying petitioner of options to cure those defects and avoid a later dismissal for failure to allege exhaustion.
STANDARD OF REVIEW	The court applied the facial-screening standard under Rule 4 of the Rules Governing Section 2254 Cases, dismissing when it plainly appeared from the petition that petitioner was not presently entitled to relief.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Marvin Meyer Wight v. Unknown

TOPICS

federal habeas corpus

post-conviction relief

pleadings

civil procedure

statute of limitations

PRACTICE AREAS

federal habeas corpus

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constitutional law

QUESTIONS PRESENTED

1. Whether the petition could proceed when petitioner had neither paid the filing fee nor submitted an application to proceed in forma pauperis.
2. Whether the petition could proceed when petitioner failed to name the state officer having custody of him as respondent.
3. Whether the petition was subject to summary dismissal or future dismissal because petitioner had not alleged exhaustion of state remedies for every claim.
4. What procedural options were available to petitioner to cure the filing and pleading defects or preserve his federal habeas claims.

HOLDINGS

1. A federal habeas action may not proceed unless the petitioner pays the required filing fee or qualifies to proceed in forma pauperis; because petitioner did neither, dismissal without prejudice was proper.
2. A state prisoner seeking federal habeas relief must name the state officer having custody of the prisoner as respondent, ordinarily the warden of the institution where the prisoner is confined or the chief officer in charge of state penal institutions.
3. A federal habeas petitioner must allege exhaustion of state court remedies as to every claim presented; a petition containing unexhausted claims is generally subject to dismissal.
4. A petitioner with an unexhausted claim may allege that all claims have been exhausted, voluntarily dismiss the federal petition and return to state court, or move to stay the federal proceedings if the requirements for a stay are met.
5. A new federal habeas petition generally must be filed within the one-year limitations period, subject to applicable statutory or equitable tolling; statutory tolling applies while a properly filed state habeas petition is pending, but the limitations period ordinarily continues to run while a federal habeas petition is pending.

KEY QUOTATIONS

“On federal habeas, a state prisoner must name the state officer having custody of him as the respondent.” (at 1)

“The exhaustion requirement is satisfied by providing the state courts with a “fair opportunity” to rule on Petitioner’s constitutional claims.” (at 2)

“Based on the foregoing, the Court DISMISSES the Petition for failure to satisfy the filing fee requirement and failure to name a proper respondent.” (at 4)

FACTUAL BACKGROUND

Marvin Meyer Wight, a state prisoner proceeding pro se, filed a petition for federal habeas relief under 28 U.S.C. § 2254. He did not pay the required \$5 filing fee or submit an application to proceed in forma pauperis, and he did not identify a proper custodial respondent. Wight stated that claims 1 through 3 had been raised in the California Supreme Court but did not allege that claim 4 had been exhausted.

PROCEDURAL HISTORY

Petitioner filed a federal habeas petition but neither paid the \$5 filing fee nor submitted an application to proceed in forma pauperis. The petition also failed to name a proper custodial respondent and did not allege exhaustion of state remedies for every claim. The district court dismissed the action without prejudice and gave petitioner until December 5, 2025, to cure the filing-fee defect and notify the court of his chosen option.

DISPOSITION

dismissed

CASES CITED

- Ortiz-Sandoval v. Gomez, 81 F.3d 891, 894 (9th Cir. 1996)
- Brittingham v. United States, 982 F.2d 378, 379 (9th Cir. 1992) (per curiam)
- Rose v. Lundy, 455 U.S. 509, 522 (1982)
- Anderson v. Harless, 459 U.S. 4, 6 (1982)
- Sandgathe v. Maass, 314 F.3d 371, 376 (9th Cir. 2002)
- Duncan v. Walker, 533 U.S. 167, 176, 181-82 (2001)
- Nino v. Galaza, 183 F.3d 1003, 1006 (9th Cir. 1999)
- Carey v. Saffold, 536 U.S. 214, 225-26 (2002)
- Artuz v. Bennett, 531 U.S. 4, 8 (2000)
- Bonner v. Carey, 425 F.3d 1145, 1149 (9th Cir. 2005), as amended, 439 F.3d 993
- Rhines v. Weber, 544 U.S. 269, 277-78 (2005)