

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Chavez v. Billet

Chavez · No. 1:24-cv-01501-SAB-HC · Decided March 14, 2025

SUMMARY

The United States District Court for the Eastern District of California recommends dismissing without prejudice a civil detainee’s habeas petition for failure to exhaust state judicial remedies. The court also directs the clerk to randomly assign the action to a district judge and advises the petitioner regarding objections to the recommendation.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 14, 2025
DOCKET	1:24-cv-01501-SAB-HC
DISPOSITION	dismissed
PROCEDURAL POSTURE	A pro se civil detainee filed a federal petition for a writ of habeas corpus challenging his commitment to a state hospital. The magistrate judge issued findings and a recommendation that the petition be dismissed without prejudice because the claims had not been exhausted in state court, and directed random assignment to a district judge.
STANDARD OF REVIEW	Under Rule 4 of the Rules Governing Section 2254 Cases, the court may conduct preliminary review and dismiss a habeas petition before ordering a response when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief. The court applied the federal habeas exhaustion requirement under 28 U.S.C. § 2254(b)(1).
PRECEDENTIAL VALUE	unpublished

TOPICS

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

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the federal habeas petition should be dismissed without prejudice because petitioner failed to exhaust available state judicial remedies.
2. Whether the court could dismiss the petition at the preliminary-review stage under Rule 4 of the Rules Governing Section 2254 Cases.

HOLDINGS

1. A petitioner seeking federal habeas relief while in state custody must provide the highest state court a full and fair opportunity to consider each claim before presenting it to federal court; because petitioner appeared not to have sought relief in the California Supreme Court, the petition was unexhausted.
2. The court may dismiss a habeas petition at preliminary review when it plainly appears from the petition and attached exhibits that the petitioner is not entitled to relief; the petition was therefore properly recommended for dismissal without prejudice for failure to exhaust.

KEY QUOTATIONS

“Rule 4 of the Rules Governing Section 2254 Cases requires preliminary review of a habeas petition and allows a district court to dismiss a petition before the respondent is ordered to file a response” (at 1)

“As it appears Petitioner has not sought relief in the California Supreme Court, the petition is unexhausted and the Court cannot proceed to the merits of his claims.” (at 2)

“Accordingly, the Court HEREBY RECOMMENDS that the petition for writ of habeas corpus be DISMISSED without prejudice for failure to exhaust state judicial remedies.” (at 2)

FACTUAL BACKGROUND

Petitioner is a civil detainee challenging his current commitment to a state hospital. His petition asserted four grounds for relief and stated that none had been presented in appeals. He characterized the grounds as recent discoveries and argued that the challenged confinement was not supported by a valid warrant. The record did not show that petitioner had presented his claims to the California Supreme Court, and he did not respond to the order to show cause.

PROCEDURAL HISTORY

Petitioner filed the petition in the Sacramento Division of the Eastern District of California on December 2, 2024; the action was transferred to the Fresno Division. The court ordered petitioner to show cause why the petition should not be dismissed for failure to exhaust state remedies and granted an extension, but petitioner filed no response. The magistrate judge recommended dismissal without prejudice and advised that objections could be filed for review by the assigned district judge.

DISPOSITION

dismissed

CASES CITED

- Dominguez v. Kernan, 906 F.3d 1127, 1135 n.9 (9th Cir. 2018)
- Coleman v. Thompson, 501 U.S. 722, 731 (1991)
- Rose v. Lundy, 455 U.S. 509, 518 (1982)
- O’Sullivan v. Boerckel, 526 U.S. 838, 845 (1999)
- Duncan v. Henry, 513 U.S. 364, 365 (1995)
- Picard v. Connor, 404 U.S. 270, 276 (1971)
- Carden v. Montana, 626 F.2d 82, 83 (9th Cir. 1980)
- Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)

OPINION

(HC) Chavez v. Billet

PER CURIAM.

1 2 3 4 5 6 7

UNITED STATES DISTRICT COURT

8

EASTERN DISTRICT OF CALIFORNIA

9 10 JUAN DANIEL CHAVEZ, Case No. 1:24-cv-01501-SAB-HC 11 Petitioner, FINDINGS
AND RECOMMENDATION TO
DISMISS PETITION WITHOUT

12 v. PREJUDICE

13 JEFFERY BILLET, ORDER DIRECTING CLERK OF COURT
TO RANDOMLY ASSIGN DISTRICT

14 Respondent. JUDGE 15 16 Petitioner is a civil detainee proceeding pro se with a petition for
writ of habeas corpus 17 challenging his current commitment to the state hospital. 18 On
December 2, 2024, Petitioner filed the instant petition in the Sacramento Division of 19 the United
States District Court for the Eastern District of California. (ECF No. 1.) It was 20 transferred to
the Fresno Division. (ECF No. 4.) On December 11, 2024, this Court ordered 21 Petitioner to
show cause why the petition should not be dismissed for failure to exhaust state 22 court remedies.
(ECF No. 7.) Although the Court granted an extension of time, (ECF No. 10), to 23 date, no
response has been filed, and the time for doing so has passed.

24 Rule 4 of the Rules Governing Section 2254 Cases¹ requires preliminary review of a
25 habeas petition and allows a district court to dismiss a petition before the respondent is ordered

26 to file a response, if it “plainly appears from the petition and any attached exhibits that the 27 1
The Court may apply any or all of these rules to habeas corpus petitions that are not brought under
28 U.S.C. 1 petitioner is not entitled to relief in the district court.” Rule 4, Rules Governing
Section 2254 2 Cases in the United States District Courts, 28 U.S.C. foll. § 2254. 3 Habeas
petitions are subject to an exhaustion requirement—either a judicially-created 4 prudential one
under 28 U.S.C. § 2241, *Dominguez v. Kernan*, 906 F.3d 1127, 1135 n.9 (9th Cir. 5 2018), or a
statutory one under 28 U.S.C. § 2254(b). The exhaustion doctrine is based on comity 6 to the state
court and gives the state court the initial opportunity to correct the state’s alleged 7 constitutional
deprivations. *Coleman v. Thompson*, 501 U.S. 722, 731 (1991); *Rose v. Lundy*, 8 455 U.S. 509,
518 (1982). A petitioner in state custody can satisfy the exhaustion requirement by 9 providing the
highest state court with a full and fair opportunity to consider each claim before 10 presenting it to
the federal court. *O’Sullivan v. Boerckel*, 526 U.S. 838, 845 (1999); *Duncan v. 11 Henry*, 513 U.S.
364, 365 (1995); *Picard v. Connor*, 404 U.S. 270, 276 (1971). “Where a 12 petitioner seeks pre-
conviction habeas relief, this exhaustion prerequisite serves two purposes: 13 (1) to avoid isolating
state courts from federal constitutional issues by assuring those courts an 14 ample opportunity to
consider constitutional claims; and (2) to prevent federal interference with 15 state adjudication,
especially state criminal trials.” *Carden v. Montana*, 626 F.2d 82, 83 (9th Cir. 16 1980).2 17 Here,
the petition states that none of Petitioner’s four grounds for relief were presented in 18 appeals.
(ECF No. 1 at 6–7.3) Petitioner claims that these grounds were “[r]ecent discoveries,” 19 “appeals
were for the criminal process,” and because he is challenging his “present confinement 20 not
supported by a valid warrant,” “[a]ppealing [p]rocess that is void from the start appears 21
redundant.” (*Id.* at 7.) It is possible that Petitioner presented his claims to the California Supreme
22 Court and failed to indicate this to the Court. However, Petitioner has failed to file a response to
23 the order to show cause. As it appears Petitioner has not sought relief in the California Supreme
24 Court, the petition is unexhausted and the Court cannot proceed to the merits of his claims. 28
25 U.S.C. § 2254(b)(1). 26 /// 27 2 It is unclear from the petition whether Petitioner is being
detained pending a civil commitment proceeding, or if a commitment order has been issued. 1
Accordingly, the Court HEREBY RECOMMENDS that the petition for writ of habeas 2 | corpus
be DISMISSED without prejudice for failure to exhaust state judicial remedies. 3 Further, the
Clerk of Court is DIRECTED to randomly assign this action to a District 4 | Judge. 5 This
Findings and Recommendation is submitted to the assigned United States District 6 | Court Judge,
pursuant to the provisions of 28 U.S.C. § 636 (b)(1)(B) and Rule 304 of the Local 7 | Rules of
Practice for the United States District Court, Eastern District of California. Within 8 | THIRTY
(30) days after service of the Findings and Recommendation, Petitioner may file 9 | written
objections with the Court, limited to fifteen (15) pages in length, including any 10 | exhibits. Such
a document should be captioned “Objections to Magistrate Judge’s Findings and 11 |
Recommendation.” The assigned United States District Court Judge will then review the 12 |
Magistrate Judge’s ruling pursuant to 28 U.S.C. § 636(b)(1)(C). The parties are advised that 13 |

failure to file objections within the specified time may waive the right to appeal the District 14 |
Court's order. Wilkerson _v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing Baxter _v. 15 |
Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)). 16

17 IT IS SO ORDERED. DAM Le

1g | Dated: _ March 14, 2025

STANLEY A. BOONE

19 United States Magistrate Judge 20 21 22 23 24 25 26 27 28