

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PRECEDENTIAL VALUE	unpublished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)