

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Steven Oscar Austin v. Unknown

No. 2:25-cv-2054 DAD CSK P · No. No. 2:25-cv-2054 DAD CSK P · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of California finds that Steven Oscar Austin’s 28 U.S.C. § 2254 habeas petition is wholly unexhausted because the claims were not presented to the California Supreme Court. The court denies Austin’s request for appointment of counsel and grants him thirty days to move for a Rhines stay while he exhausts his claims. The court warns that failure to file a stay motion will result in a recommendation that the action be dismissed.

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	December 5, 2025
DOCKET	No. 2:25-cv-2054 DAD CSK P
DISPOSITION	other
PROCEDURAL POSTURE	State prisoner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court determined that the claims were wholly unexhausted, denied appointment of counsel, and granted petitioner thirty days to move for a Rhines stay while exhausting his claims.
STANDARD OF REVIEW	The court reviewed the petition and state-court records to determine whether each federal claim had been fairly presented to the California Supreme Court and whether a stay-and-abeyance procedure was available. Appointment of counsel was evaluated under the interests-of-justice standard.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Steven Oscar Austin v. Unknown

TOPICS

federal habeas corpus

post-conviction relief

state post-conviction relief

right to counsel

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Exhaustion of state remedies

Appointment of counsel

QUESTIONS PRESENTED

1. Whether Austin exhausted his federal habeas claims by fairly presenting them to the California Supreme Court.
2. Whether Austin was entitled to a stay and abeyance under Rhines while exhausting his unexhausted claims.
3. Whether Austin was entitled to appointment of counsel in the federal habeas proceeding.

HOLDINGS

1. Austin's federal habeas claims were not exhausted because none of the claims raised in the federal petition had been fairly presented to the California Supreme Court.
2. Austin was granted thirty days to file a motion for a stay under Rhines while exhausting his claims; if he failed to do so, the court would recommend dismissal.
3. A Kelly stay was unavailable because the petition was wholly unexhausted rather than mixed.
4. Austin's request for appointment of counsel was denied because there is no absolute right to appointed counsel in federal habeas proceedings and the court did not find that the interests of justice required appointment at that time.

KEY QUOTATIONS

“For the following reasons, this Court finds that the claims raised in the petition are not exhausted.” (at 1)

“Because no claims raised in the instant petition have been presented to the California Supreme Court, petitioner is granted thirty days from the date of this order to file a motion to stay this action pursuant to Rhines while he exhausts his claims.” (at 6)

“There currently exists no absolute right to appointment of counsel in habeas proceedings.” (at 7)

FACTUAL BACKGROUND

Austin is a California state prisoner challenging a 2016 conviction for robbery, carjacking, being a felon in possession of a firearm, evading police, and firearm enhancements. His federal petition asserted claims involving the Fourth Amendment, ineffective assistance of counsel, Brady, due process, equal protection, self-incrimination, the Takings Clause, double jeopardy, and Miranda. The state petitions for review identified by Austin addressed different claims, primarily direct-appeal issues and later sentencing matters, rather than the claims asserted in the federal petition.

PROCEDURAL HISTORY

Austin challenged his 2016 California convictions and sentence in federal habeas proceedings. The court reviewed the claims raised in the federal petition against the claims presented in state court and concluded that none of the federal claims had been fairly presented to the California Supreme Court. Rather than immediately recommend dismissal, the court allowed thirty days for Austin to file a motion for a stay and abeyance under Rhines; it denied his request for appointed counsel.

DISPOSITION

other

CASES CITED

- Rose v. Lundy, 455 U.S. 509 (1982)
- Picard v. Connor, 404 U.S. 270 (1971)
- Castille v. Peoples, 489 U.S. 346 (1989)
- Duncan v. Henry, 513 U.S. 364 (1995)
- Sweet v. Cupp, 640 F.2d 233 (9th Cir. 1981)
- Pitchess v. Davis, 421 U.S. 482 (1975)
- Dixon v. Baker, 847 F.3d 714 (9th Cir. 2017)
- Rhines v. Weber, 544 U.S. 269 (2005)
- Mena v. Long, 813 F.3d 907 (9th Cir. 2016)
- Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003)
- People v. Austin, 2018 WL 3373409 (Cal. App. July 11, 2018)
- People v. Austin, 2018 WL 6303822 (Cal. App. Dec. 3, 2018)
- People v. Austin, 2021 WL 222351 (Cal. App. Jan. 22, 2021)
- People v. Austin, 2022 WL 4354618 (Cal. App. Sept. 20, 2022)
- Nevius v. Sumner, 105 F.3d 453 (9th Cir. 1996)
- Reyn's Pasta Bella LLC v. Visa USA, Inc., 442 F.3d 741 (9th Cir. 2006)

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