

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Tom Love Vinson v. Raymond Madden

Vinson v. Madden · No. 2:18-cv-06783-FLA (JC) · Decided July 9, 2025

SUMMARY

The United States District Court for the Central District of California accepts the magistrate judge’s findings and recommendations in a federal habeas corpus action. The court denies the petition, dismisses the action with prejudice, and orders judgment entered, concluding that the petitioner’s objections do not overcome procedural default or establish entitlement to relief.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando L. Aenlle-Rocha
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 9, 2025
DOCKET	2:18-cv-06783-FLA (JC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a state prisoner’s petition for a writ of habeas corpus under 28 U.S.C. § 2254, the magistrate judge’s report and recommendation recommending denial and dismissal with prejudice, and the petitioner’s objections.
STANDARD OF REVIEW	The district court conducted de novo review of the portions of the magistrate judge’s report and recommendation to which the petitioner objected. In reviewing the habeas claims, the court applied federal habeas procedural-default principles, including the adequacy and independence of California’s timeliness rule, and deference to state-court factual findings and adjudications.
PRECEDENTIAL VALUE	Unknown
PARTIES	Tom Love Vinson v. Raymond Madden

TOPICS

- federal habeas corpus
- default
- actual innocence
- ineffective assistance
- post-conviction relief

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

QUESTIONS PRESENTED

1. Whether California's untimeliness rule was an inadequate state procedural ground because it was allegedly misapplied in Vinson's case.
2. Whether Vinson established cause and prejudice to excuse the procedural default of his ineffective-assistance and gang-enhancement claims.
3. Whether Vinson established a fundamental miscarriage of justice through a credible actual-innocence showing sufficient to overcome procedural default.
4. Whether the California Court of Appeal's rejection of Vinson's claim concerning the trial court's response to the jury's transferred-intent question was objectively unreasonable.

HOLDINGS

1. California's timeliness rule is an independent and adequate state-law ground sufficient to bar federal habeas relief on untimely claims, and a federal habeas court lacks authority to review a state court's alleged misinterpretation or misapplication of its own procedural rules.
2. Vinson did not establish cause to excuse the procedural default of his claims concerning ineffective assistance of trial counsel and insufficient evidence for the gang enhancement because the factual and legal bases for those claims were available when he defaulted them.
3. Vinson did not establish a fundamental miscarriage of justice or actual innocence sufficient to overcome procedural default.
4. The state court's rejection of Vinson's claim concerning the trial court's response to the jury's transferred-intent question was not objectively unreasonable.

KEY QUOTATIONS

"It is well-established that California's untimeliness rule is adequate." (at 1)

"The Petition is DENIED; The Petition and this action are DISMISSED, and Judgment shall be entered accordingly;" (at 2)

FACTUAL BACKGROUND

Vinson challenged his state-court criminal conviction through a federal habeas petition. His claims included ineffective assistance of trial counsel, insufficient evidence supporting a gang enhancement, and an alleged failure by the trial court to adequately answer a jury question concerning transferred intent. He also relied on post-verdict eyewitness testimony to argue actual innocence and self-defense, but the state trial court found that testimony not credible.

PROCEDURAL HISTORY

The magistrate judge recommended denying the § 2254 petition and dismissing the action with prejudice. The petitioner objected to findings that several claims were procedurally defaulted, that he had not shown cause and prejudice or actual innocence to excuse the default, and that the state courts’ handling of a jury question was unreasonable. After conducting de novo review of the portions of the report to which objections were made, the district court accepted the report and recommendation, denied the petition, and dismissed the action.

DISPOSITION

dismissed

CASES CITED

- Ayala v. Chappell, 829 F.3d 1081, 1095 (9th Cir. 2016)
- Walker v. Martin, 562 U.S. 307, 316 (2011)
- Martinez v. Ryan, 926 F.3d 1215, 1224 (9th Cir. 2019)
- Poland v. Stewart, 169 F.3d 573, 584 (9th Cir. 1999)
- Johnson v. Foster, 786 F.3d 501, 508 (7th Cir. 2015)
- Schlup v. Delo, 513 U.S. 298 (1995)
- United States v. Howell, 231 F.3d 615, 621 (9th Cir. 2000), cert. denied, 534 U.S. 831 (2001)

OPINION

1 JS-6 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 TOM LOVE VINSON, Case No. 2:18-cv-06783-FLA (JC) 12 Petitioner,
ORDER ACCEPTING FINDINGS, 13 v. CONCLUSIONS, AND RECOMMENDATIONS OF
UNITED 14 STATES MAGISTRATE JUDGE RAYMOND MADDEN, [DKT. 53] AND
DISMISSING 15 Respondent. ACTION 16 17 18 19 20 21 22 23 24 25 26 27 28 1 Pursuant to 28
U.S.C. § 636, the court has reviewed the Petition for Writ of 2 Habeas Corpus by a Person in State
Custody pursuant to 28 U.S.C. § 2254 (“Petition,” 3 Dkt.

1) and all of the records herein, including the February 24, 2025 Report and 4 Recommendation of
United States Magistrate Judge (the “Report,” Dkt. 53) and 5 Petitioner Tom Love Vinson’s
 (“Petitioner”) Objections to the Report (“Objection,” 6 Dkt. 57).1 The court has further made a de
novo review of those portions of the 7 Report to which Petitioner objected.

8 The Report recommends the denial of the Petition and the dismissal of this 9 action with
prejudice. Petitioner’s Objections do not merit any change to the Report’s 10 findings or
recommendations. 11 Petitioner objects to the Report’s finding that the claims in Grounds One to
12 Three are procedurally defaulted. Dkt. 57 (“Obj.”) at 12-27. Petitioner objects that 13 the state
procedural rule, based on untimeliness, is inadequate because his was the 14 “exceptional case”
requiring multiple state appeals.

Id. at 13, 26. Petitioner's 15 argument, however, does not demonstrate inadequacy. It is well-established that 16 California's untimeliness rule is adequate. See *Ayala v. Chappell*, 829 F.3d 1081, 17 1095 (9th Cir. 2016) (noting the Supreme Court ruled in *Walker* that "California's 18 timeliness rule is an independent and adequate state law ground sufficient to bar 19 federal habeas relief on untimely claims") (citing *Walker v. Martin*, 562 U.S. 307, 316 20 (2011)).

Instead, Petitioner argues the procedural rule was misapplied in his case, 21 which is an argument the court has no authority to review. See *Martinez v. Ryan*, 926 22 F.3d 1215, 1224 (9th Cir. 2019) (rejecting argument of inadequacy based on a state 23 court's alleged misinterpretation of its own rules, holding that "[w]e lack jurisdiction 24 to consider that contention.") (citing *Poland v. Stewart*, 169 F.3d 573, 584 (9th Cir.

25 1999) ("Federal habeas courts lack jurisdiction ... to review state court applications of 26 27 1This court, in an exercise of its discretion, declines to consider new evidence and arguments presented for the first time in the Objection. See *United States v. Howell*, 28 231 F.3d 615, 621 (9th Cir. 2000), cert. denied, 534 U.S. 831 (2001). 1 state procedural rules.")); *Johnson v. Foster*, 786 F.3d 501, 508 (7th Cir.

2015) ("[A] 2 federal habeas court is not the proper body to adjudicate whether a state court 3 correctly interpreted its own procedural rules, even if they are the basis for a 4 procedural default."). 5 Petitioner objects that he has established cause and prejudice to overcome the 6 procedural default of his claims in Grounds One and Two. Obj. at 27-37. Petitioner 7 argues the factual and legal basis for his claims were not reasonably available before 8 he raised them in state court.

Id. at 30, 33. To the contrary, as the Report found, the 9 claims in Ground One and Two, ineffective assistance of trial counsel and insufficient 10 evidence for the gang enhancement, "were clearly available at the time [Petitioner] 11 defaulted them." Dkt. 53 ("R. & R.") at 18. "In short, Petitioner has not demonstrated 12 cause for his procedural default." Id. at 19.

13 Petitioner objects that he has demonstrated a fundamental miscarriage of justice 14 to overcome the procedural default of his claims in Grounds One and Two. Obj. at 15 30, 36. As the Report found, the eyewitness account of Brad Van ("Van") was 16 "manifestly insufficient" to satisfy the actual-innocence standard of *Schlup v. Delo*, 17 513 U.S. 298 (1995).

R. & R. at 22. The state trial court found that Van's post- 18 verdict testimony was not credible, which is a finding entitled to a presumption of 19 correctness and deference from federal habeas courts. Id. Moreover, Van's testimony 20 about pulling up his gun into position in his waistband would not have supported 21 Petitioner's theory that he committed the shooting in self-defense after seeing 22 someone pull out a gun, raise it, and point it at him.

Id. at 24-25. 23 Petitioner objects that the trial court erred in failing to respond adequately to the 24 jury's question on transferred intent. Obj. at 38-41. In response to the question, the 25 trial court read the applicable instruction to the jury. Dkt. 19-14 at 18-19.

The 26 California Court of Appeal's rejection of this claim was not objectively unreasonable. 27 Dkt. 12-1 at 9. "[T]here is nothing to show that the jury gave up on getting its 28 questions answered rather than received the guidance it needed to apply the 1 instructions it had received." Jd. Further, as the Report found, Petitioner has not 2 | overcome the presumption that a jury follows its instructions and understands the trial 3 || court's answer to its questions.

R. & R. at 33. 4 The court has conducted the review required by 28 U.S.C. § 636 and ACCEPTS 5 | the findings, conclusions, and recommendation of the Magistrate Judge reflected in 6 | the February 24, 2025, Report. The court ORDERS as follows: 7 1.

The Petition is DENIED; 8 2. The Petition and this action are DISMISSED, and Judgment shall be 9 entered accordingly; and 10 3. The Clerk shall serve copies of this Order, the Report and 1] Recommendation, and the Judgment herein on counsel for Petitioner and 12 Respondent. 13 14 IT IS SO ORDERED. 15 16 | Dated: July 9, 2025 17 FERNANDO'L. AENLLE-ROCHA United States District Judge 18 19 20 21 22 23 24 25 26 27 28