

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.

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