

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Pratt v. Robertson, Warden

Pratt · No. 22-cv-04558-BLF · Decided July 23, 2025

SUMMARY

The United States District Court for the Northern District of California grants the respondent’s motion to dismiss Claim 5 of Anthony Pratt’s amended federal habeas petition as untimely under AEDPA. The court concludes that a 173-day gap in state habeas proceedings was unreasonable and that the ineffective-assistance claim did not relate back to the timely original claims because it lacked a common core of operative facts. The court also sets a briefing schedule for the remaining claims.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Beth Labson Freeman
JURISDICTION	United States District Court for the Northern District of California
DECIDED	July 23, 2025
DOCKET	22-cv-04558-BLF
DISPOSITION	other
PROCEDURAL POSTURE	Respondent moved to dismiss Claim 5 of Petitioner's amended 28 U.S.C. § 2254 petition as untimely. The court granted the motion and set a schedule for Respondent to answer the remaining petition.
STANDARD OF REVIEW	The court applied the statutory AEDPA limitations and tolling provisions and independently determined whether the state habeas filings were pending within the meaning of 28 U.S.C. § 2244(d)(2), whether the 173-day gap was reasonable under California law, and whether the amended claim related back under Federal Rule of Civil Procedure 15(c)(1)(B).
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Anthony Pratt v. James Robertson, Warden

TOPICS

- federal habeas corpus
- statute of limitations
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

statute of limitations

QUESTIONS PRESENTED

1. Whether Claim 5 of the amended federal habeas petition was timely under AEDPA's one-year statute of limitations and statutory tolling provision.
2. Whether the 173-day gap between the denial of Petitioner's California Superior Court habeas petition and his filing in the California Court of Appeal was reasonable and therefore entitled to statutory tolling.
3. Whether Claim 5 related back under Federal Rule of Civil Procedure 15(c)(1)(B) to the timely claims in the original federal habeas petition.

HOLDINGS

1. A 173-day gap between the denial of a California lower-court habeas petition and the filing of a higher-court petition was unreasonable where it exceeded California's 120-day safe harbor and the petitioner showed neither good cause nor a justification for the delay.
2. Claim 5 was untimely under AEDPA's one-year limitations period because the 173-day gap was not tolled and the claim was filed more than one year after the limitations period expired.
3. Claim 5 did not relate back to the timely claims in the original petition because it alleged ineffective assistance of trial counsel without sharing a common core of operative facts with the original claims, which alleged specific trial errors.

KEY QUOTATIONS

“So long as the original and amended petitions state claims that are tied to a common core of operative facts, relation back will be in order.” (at 7)

“Mayle requires a comparison of a petitioner's new claims to the properly exhausted claims left pending in federal court, not to any earlier version of the complaint containing claims subsequently dismissed for failure to exhaust.” (at 8)

“First, we determine what claims the amended petition alleges and what core facts underlie those claims. Second, for each claim in the amended petition, we look to the body of the original petition and its exhibits to see whether the original petition ‘set out’ or ‘attempted to ... set out’ a corresponding factual episode.” (at 8)

FACTUAL BACKGROUND

In 2018, a California jury convicted Anthony Pratt of murder and conspiracy to commit murder, and he was sentenced to 25 years to life. The California Court of Appeal affirmed, and the California Supreme Court denied review on May 12, 2021; because Pratt did not seek certiorari, the judgment became final on October 12, 2021. Pratt filed a federal habeas petition on August 8, 2022, but Claim 5 alleging ineffective assistance of trial counsel was dismissed without prejudice while he exhausted it in state court. After the San Francisco Superior Court denied his state petition, Pratt waited 173 days before filing in the California Court of Appeal, leaving Claim 5

untimely under AEDPA; the court also found that Claim 5 did not share a common core of operative facts with Claims 1-4.

PROCEDURAL HISTORY

Pratt was convicted in California state court and pursued direct review through the California Supreme Court. He filed a federal habeas petition on August 8, 2022, asserting four exhausted claims and one unexhausted ineffective-assistance claim. The court dismissed Claim 5 without prejudice under the Kelly stay procedure while Pratt exhausted it in state court. After the stay was lifted and the petition was amended, Respondent moved to dismiss Claim 5 as untimely. The court granted the motion, finding that the claim was untimely under AEDPA and did not relate back to the original petition.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. Respondent was ordered to file an answer conforming to Rule 5 of the Rules Governing Section 2254 Cases within 60 days and to provide relevant portions of the state trial record; Petitioner may file a traverse within 30 days after receiving the answer.

CASES CITED

- People v. Pratt, No. A154907, 2021 WL 672048, at *1 (Cal. Ct. App. Feb. 22, 2021)
- Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003)
- Bowen v. Roe, 188 F.3d 1157, 1159 (9th Cir. 1999)
- Miranda v. Castro, 292 F.3d 1063, 1065 (9th Cir. 2002)
- Jiminez v. Rice, 276 F.3d 478, 482 (9th Cir. 2001)
- Ferguson v. Palmateer, 321 F.3d 820, 823 (9th Cir. 2003)
- Carey v. Saffold, 536 U.S. 214, 214 (2002)
- Evans v. Chavis, 546 U.S. 189, 197-98 (2006)
- Robinson v. Lewis, 9 Cal. 5th 883, 897, 901, 266 Cal. Rptr. 3d 13, 469 P.3d 414 (2020)
- Walker v. Brazelton, 2021 U.S. Dist. LEXIS 146208, at *3-4 (E.D. Cal. 2021)
- Nedd v. Bird, 2023 U.S. Dist. LEXIS 37946, at *10-14 (E.D. Cal. 2023)
- Patterson v. Stewart, 251 F.3d 1243, 1246 (9th Cir. 2001)
- Mayle v. Felix, 545 U.S. 644, 649, 655, 661, 664 (2005)
- Tiller v. Atlantic Coast Line Railroad, 323 U.S. 574, 580-81 (1945)
- King v. Ryan, 564 F.3d 1133, 1141-43 (9th Cir. 2009)
- Ross v. Williams, 950 F.3d 1160, 1166-72 (9th Cir. 2020)
- In re Robbins, 18 Cal. 4th 770, 780 (1998)

