

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Jose Torres, Jr. v. Fidencio Guzman

Torres · No. 2:25-cv-07117-SB-MBK · Decided January 16, 2026

SUMMARY

The Central District of California ordered Jose Torres, Jr. to show cause why his 28 U.S.C. § 2254 habeas petition should not be dismissed as untimely under AEDPA. The court concluded that the limitations period appeared to have expired in 2002 and that the petitioner’s later state post-conviction proceedings and newly discovered-evidence theory did not appear to render the claims timely. The court also denied the request for appointed counsel without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Michael B. Kaufman
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	January 16, 2026
DOCKET	2:25-cv-07117-SB-MBK
DISPOSITION	other
PROCEDURAL POSTURE	Preliminary review of a state prisoner's 28 U.S.C. § 2254 habeas petition; the court issued an order to show cause regarding apparent untimeliness and denied the request for appointed counsel without prejudice.
STANDARD OF REVIEW	Preliminary screening under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts; appointment of counsel in a non-capital habeas case is discretionary absent a required evidentiary hearing.
PRECEDENTIAL VALUE	Unpublished nonprecedential district-court order
PARTIES	Jose Torres, Jr. v. Fidencio Guzman

TOPICS

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

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Statute of limitations

Appointment of counsel

QUESTIONS PRESENTED

1. Whether the federal habeas petition appeared barred by AEDPA's one-year statute of limitations under 28 U.S.C. § 2244(d)(1).
2. Whether the 2004 state post-conviction proceedings statutorily tolled the federal limitations period after that period had already expired.
3. Whether the alleged 2012 article and related evidence could trigger a later limitations period under 28 U.S.C. § 2244(d)(1)(D).
4. Whether Torres should receive appointed counsel in the non-capital habeas proceeding.

HOLDINGS

1. Based on the information then available, the court determined that Torres's federal habeas claims appeared barred by AEDPA's one-year statute of limitations and ordered him to show cause why the action should not be dismissed.
2. The request for appointed counsel was denied without prejudice because Torres had no right to appointed counsel in this civil habeas action and had not shown that counsel was necessary at that stage.

KEY QUOTATIONS

“The prisoner’s federal petition based on that claim becomes ripe for filing once the state courts have completed a full round of collateral review.”

“Petitioner is ORDERED to file a response to explain why he believes his claims are timely under Section 2244(d)(1), including any basis for statutory or equitable tolling.”

FACTUAL BACKGROUND

Torres is a California state prisoner challenging a 2001 conviction on claims involving insufficient evidence, an allegedly improper photo lineup, withholding of exculpatory evidence, prosecutorial misconduct, and ineffective assistance of counsel. His conviction became final, according to the court's preliminary review, on December 31, 2002. He pursued state post-conviction relief beginning in 2004 and again beginning in 2023 after his wife discovered a 2012 article concerning investigative techniques used by the lead detective in other cases. He filed the federal petition on July 31, 2025.

PROCEDURAL HISTORY

Torres filed a federal habeas petition on July 31, 2025, challenging his California conviction. The court conducted preliminary review under Rule 4 of the Habeas Rules and determined that the claims appeared untimely under AEDPA. Rather than dismiss immediately, the court ordered Torres to explain by February 17, 2026 why the action should not be dismissed, and separately denied his request for appointed counsel without prejudice.

DISPOSITION

other

CASES CITED

- Lindh v. Murphy, 521 U.S. 320, 336 (1997)
- Harris v. Carter, 515 F.3d 1051, 1053 n.3 (9th Cir. 2008)
- Bowen v. Roe, 188 F.3d 1157, 1159 (9th Cir. 1999)
- Redd v. McGrath, 343 F.3d 1077, 1083 (9th Cir. 2003)
- Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997)
- Knaubert v. Goldsmith, 791 F.2d 722 (9th Cir. 1986), cert. denied, 479 U.S. 867 (1986)

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