

1 Housing Unit. Plaintiff also alleges that his rights were violated because other courts denied his
2 requests for an evidentiary hearing, production of documents and counsel.¹

3 However, previously, on February 12, 2012, Plaintiff had brought a petition for writ of habeas
4 corpus alleging that his validation as an associate of the Mexican Mafia (EME) prison gang and
5 retention in the Secured Housing Unit since 2010 violated his Due Process and First Amendment
6 rights. He also alleged that other courts had denied his requests for evidentiary hearings and the
7 production of documents. In that action, *Gallegos v. Gipson*, 1:13-cv-00221-MJS, the Court
8 considered the merits of Plaintiff's constitutional claims regarding his placement in the Secured
9 Housing Unit and gang validation. The Court determined that Plaintiff's claims failed on the merits
10 and that he received constitutionally adequate safeguards at his gang validation proceeding. The Court
11 therefore dismissed the petition and declined to issue a certificate of appealability. On June 3, 2013,
12 Plaintiff sought reconsideration, appointment of counsel and an evidentiary hearing, which were
13 denied by the Court on July 24, 2013. On April 4, 2014, the Court of Appeals for the Ninth Circuit
14 denied Plaintiff's request for a certificate of appealability.

15 The doctrine of res judicata bars the relitigation of issues previously decided. *Hawkins v.*
16 *Risley*, 984 F.2d 321, 324 (9th Cir. 1993) (per curiam). Indeed, res judicata bars relitigation in § 1983
17 civil rights proceedings of issues previously decided in federal habeas proceedings. *Id.* at 323-24.
18 Accordingly, Plaintiff is HEREBY ORDERED to show cause within thirty (30) days from the date of
19 service of this order why this action should not be dismissed, with prejudice, as barred by the doctrine
20 of res judicata.

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22 IT IS SO ORDERED.

23 Dated: October 13, 2016

/s/ Barbara A. McAuliffe
24 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Plaintiff was granted leave to pursue only his procedural due process claim related to his allegedly improper gang validation in this action.

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