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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

DAVID SAMPSON HUNTER,

 Petitioner,

 v.

SCOTT JONES,

 Respondent.

No. 2:20-CV-1097-WBS-DMC-P

FINDINGS AND RECOMMENDATIONS

Petitioner, a county inmate proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Respondent’s motion to dismiss, ECF No. 30. Respondent argues the Court should dismiss the petition because it fails to meet Rule 2(c) of the Rules governing Section 2254 Cases, which requires Petitioners to allege sufficient facts to establish the existence of an actionable claim. For the reasons discussed below, the Court agrees.

I. BACKGROUND

Petitioner claims that, on January 4, 2019, police arrested Petitioner for a trespass violation. See ECF No. 15, pg. 1. He asserts that police illegally arrested him and took him to jail. See id. On May 29, 2020, Petitioner filed his habeas corpus petition. See ECF No. 1, pg. 1. On October 20, 2020, the Court dismissed the petition with leave to amend, directing Petitioner to

1 name a proper Respondent and to sufficiently state all claims and requests for relief. See ECF No.
2 10.

3 This action now proceeds on Petitioner's first amended petition, see ECF No. 15,
4 pg. 1, timely filed pursuant to the Court's October 20, 2020, order. As with the original petition,
5 Petitioner outlines various "background/history" facts that are difficult to decipher. See ECF No
6 15. The Court understands the core of Petitioner's claims as follows:

7 Petitioner appears to claim that his arrest was illegally connected to the filming of
8 a pornographic video with sex workers at a Motel 6. See id. at 1. It is unclear, however, who was
9 filming and how Petitioner was connected to the sex workers. See id. After Petitioner's arrest, he
10 claims sheriffs refused to bring him to court. See id. Next, Petitioner asserts that court officials
11 and sheriffs stole his mail—which appears to have some connection to his underlying arrest. See
12 id. The Petitioner's allegations become less clear as he appears to suggest that Deputy Robinson
13 falsely reported that Petitioner "gassed him" in order to stage some sort of defense. See id. at 3.
14 Petitioner then appears to allege that the court falsely found him mentally incompetent to stand
15 trial and transferred him to Napa State hospital. See id. at 4. Petitioner alleges that Respondent
16 violated his due process rights. As such, plaintiff claims he should receive monetary damages and
17 a transfer to Crestwood hospital. See id. at 1-4.

18 19 **II. DISCUSSION**

20 Respondent's single argument is the Petitioner has failed to state a proper claim
21 which is cognizable under § 2254 because the allegations in the petition are unclear, in violation
22 of Rule 2(c). See ECF No. 30, pg. 2.

23 Rule 2(c) describes the requirements of the actual petition in 2254 cases, which
24 include issues related to form, content, scope, and efficiency. See Rule 2(c), Rules Governing
25 Section 2254 Cases. Under Rule 2(c), there are three main requirements pertaining to a
26 petitioner's factual allegations and relief requested. See id. The petitioner must specify all the
27 grounds for relief available to the petitioner, state the facts supporting each ground, and state the
28 relief requested. See id. In judging the adequacy of these petitions, federal courts have a general

1 practice of holding pro se applications for relief to less stringent standards than formal pleadings
2 drafted by lawyers. See Haines v. Kerner, 404 U.S. 519, 520 (1972). Yet, courts are only
3 obligated to draw reasonable factual inferences in the petitioners favor and are not required to
4 construct legal arguments for a pro se petitioner. See Jones v. Gomez, 66 F.3d 199, 204 (9th Cir.
5 1995) (finding that a habeas “petition must contain specific and particularized facts, not
6 conclusory or general remarks”). “A prime purpose of Rule 2(c)’s demand that habeas petitioners
7 plead with particularity is to assist the district court in determining whether the state should be
8 ordered to show cause why the writ should not be granted.” Mayle v. Felix, 545 U.S. 644, 645
9 (2005). Furthermore, the Court in Mayle did explain that under Rule 8(a) of the Federal Rules of
10 Civil Procedure, a pleading need only provide fair notice of what the claim is and the grounds
11 upon which it rests, but noted, Rule 2(c) of the Rules Governing Section 2254 Cases is more
12 demanding and is expected to state facts that point to a real possibility of constitutional error. See
13 id. at 655.

14 According to Respondent:

15 Petitioner’s filing does not comply with rule 2(c) because he did
16 not clearly identify any grounds for relief, did not provide supporting
17 facts, and did not state the relief he seeks. (Dkt.15.) This Court directed
18 Petitioner to state all claims and requests for relief. (Dkt. 10.) Petitioner
19 fails to do so in his first amended petition. (Dkt. 15.) His claims are
20 unintelligible.

21 “Federal courts are authorized to dismiss summarily any habeas
22 petition that appears legally insufficient on its face.” *McFarland v. Scott*,
23 512 U.S. 849, 856 (1994). Unintelligible pleadings, like Petitioner’s, are
24 dismissible because their incomprehensibility prejudices the opposing
25 party. *See Schmidt v. Herrmann*, 614 F.2d 1221, 1224 (9th Cir. 1980);
26 *Guest v. Miller*, 2014 WL 5528396, at *3 (C.D. Cal. 2014), report and
27 recommendation adopted, 2014 WL 5581394 (C.D. Cal. 2014)
28 (“Petitioner’s contention...is far too conclusory, unsupported, and
unintelligible to plausibly lead to habeas relief). . . .

ECF No. 30, pgs. 2-3.

24 These arguments are persuasive. Petitioner’s amended petition fails to comply with
25 Rule 2(c). As Respondent notes, Petitioner’s claims are unintelligible. Current case law clearly
26 defines the scope of pleading requirements for habeas petitions as needing particularized facts so
27 the court can draw reasonable inferences in favor of a *pro se* petitioners. See Jones, 66 F.3d at
28 204. Even construing Petitioner’s amended petition liberally, Petitioner makes no discernible

1 argument that would justify his habeas petition. See ECF No.15. Petitioner's claims are
2 conclusory and would require this Court to make unreasonable inferences to try and piece
3 together Petitioner's claims. See id. As mentioned, Rule 2(c) requires a petitioner to assert clear
4 facts and grounds for relief. As discussed above, Petitioner's factual assertions are unclear. See
5 ECF No.15. As to Petitioner's request for relief, it appears he is asking for a transfer to Crestwood
6 Hospital, but his request is not entirely apparent. See ECF No. 15, pg. 5. Regardless of whether
7 Petitioner has satisfied the other formal requirements for habeas corpus petitions, this Court
8 cannot draw reasonable inferences based on current pleading.

9
10 **III. CONCLUSION**

11 Based on the foregoing, the undersigned recommends that Respondent's motion to
12 dismiss, ECF No. 30, be granted and that the amended petition be dismissed with leave to amend.

13 These findings and recommendations are submitted to the United States District
14 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
15 after being served with these findings and recommendations, any party may file written objections
16 with the Court. Responses to objections shall be filed within 14 days after service of objections.
17 Failure to file objections within the specified time may waive the right to appeal. See Martinez v.
18 Ylst, 951 F.2d 1153 (9th Cir. 1991).

19
20 Dated: September 16, 2021



21 DENNIS M. COTA
22 UNITED STATES MAGISTRATE JUDGE