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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRANDEN WILLIE ISELI,  
Petitioner,  
v.  
JEFF LYNCH,  
Respondent.

No. 2:24-cv-0837-WBS-SCR

FINDINGS AND RECOMMENDATIONS

Petitioner, a state prisoner proceeding pro se, has filed a first amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his San Joaquin County conviction for murder and attempted murder. Petitioner seeks “to reduce his pending release date” based on various claims. ECF No. 28 at 4.

Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus and summarily dismiss any petition if it is plain that the petitioner is not entitled to relief. The court has conducted that review.

Court records reveal that petitioner has previously filed a petition for a writ of habeas corpus attacking the same conviction and sentence challenged in this case. See Iseli v. People of the State of California, Case No. 2:22-cv-01483-TLN-EFB (E.D. Cal.) (“Iseli I”). Petitioner was denied relief on the merits of the claims raised in his first habeas corpus application on March 13, 2023. See Iseli I at ECF No. 31. Before petitioner can proceed with the instant successive

1 petition, he must first obtain authorization from United States Court of Appeals for the Ninth  
2 Circuit pursuant to 28 U.S.C. § 2244(b)(3). Because it does not appear that petitioner has  
3 obtained the required authorization, petitioner’s first amended habeas petition must be dismissed  
4 without prejudice.

5 Accordingly, IT IS HEREBY RECOMMENDED that this action be summarily dismissed  
6 without prejudice as an unauthorized second or successive § 2254 application.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days  
9 after being served with these findings and recommendations, petitioner may file written  
10 objections with the court. The document should be captioned “Objections to Magistrate Judge’s  
11 Findings and Recommendations.” Petitioner is advised that failure to file objections within the  
12 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
13 F.2d 1153 (9th Cir. 1991).

14 DATED: March 10, 2025

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17 SEAN C. RIORDAN  
18 UNITED STATES MAGISTRATE JUDGE  
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