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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,
Petitioner,
v.
KEN CLARK,
Respondent.

No. 2:24-cv-1627 AC P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed multiple petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with applications to proceed in forma pauperis and a motion for prejudgment interest.

Examination of the in forma pauperis applications reveals that petitioner is unable to afford the costs of suit. ECF Nos. 2, 8, 12. Accordingly, the applications to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

After filing the original petition (ECF No. 1), petitioner proceeded to file two amended petitions (ECF Nos. 7, 10). However, it is not clear from any of the petitions what conviction or sentence petitioner seeks to attack or what grounds for relief he seeks to assert. The petitions reference convictions in Monterey, Sacramento, and Yolo County, as well as parole board proceedings and disciplinary convictions. Because it is unclear what, exactly, petitioner is challenging and on what grounds, he will be required to submit an amended petition. Petitioner is

1 advised that a single petition may challenge only one conviction, parole proceeding, or
2 disciplinary finding.

3 In amending the petition, petitioner is cautioned that, to the extent he is trying to challenge
4 his 1992 parole revocation and subsequent prison term out of Sacramento County, his 1994
5 conviction out of Yolo County, and his 2000 conviction out of Monterey County, he cannot
6 proceed in this court. With respect to the Sacramento County revocation, this court determined in
7 2018 that petitioner was no longer in custody on the underlying conviction and this court
8 therefore lacked jurisdiction over the petition. See Hatchett v. Gonzalez, No. 2:16-cv-0412 KJM
9 CMK, 2018 WL 2939129, 2018 U.S. Dist. LEXIS 98691 (E.D. Cal. June 12, 2018). Challenges
10 to petitioner’s Yolo County and Monterey County convictions are barred as successive,¹ see
11 Felker v. Turpin, 518 U.S. 651, 657 (1996) (under 28 U.S.C. § 2244(b)(3)(A), a second or
12 successive application for habeas relief may not be filed in district court without prior
13 authorization by the court of appeals), and any challenge to the Monterey County conviction is
14 more appropriately brought in the United States District Court for the Northern District of
15 California, see Braden v. 30th Judicial Circuit Court, 410 U.S. 484, 499 n.15 (1973) (while
16 district of confinement and district of conviction both have habeas jurisdiction, challenges to
17 conviction are more convenient in district of conviction because all witnesses and evidence for
18 resolution of the petition are located there).

19 If petitioner is attempting to challenge a parole decision, he is advised that the protection
20 afforded by the federal Due Process Clause to California parole decisions consists solely of the
21 “minimum” procedural requirements set forth in Greenholtz v. Inmates of Nebraska Penal and
22 Correctional Complex, 442 U.S. 1 (1979). Swarthout v. Cooke, 562 U.S. 216, 220 (2011).
23 Specifically, that he was provided with “an opportunity to be heard and . . . a statement of the
24 reasons why parole was denied.” Id. (citing Greenholtz, 442 U.S. at 16). A challenge to a prison
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26 ¹ Hatchett v. Lungren, No. 2:98-cv-0345 WBS JFM (E.D. Cal.), ECF No. 96 (recommending
27 denial on the merits of petition challenging 1994 Yolo County conviction), ECF No. 99 (adopting
28 F&Rs and denying petition); Hatchett v. Gonzalez, No. 15-cv-2959 WHA, 2016 WL 467461,
2016 U.S. Dist. LEXIS 15257 (N.D. Cal. Feb. 8, 2016) (denying petition challenging 2000
Monterey County conviction as untimely).

1 disciplinary proceeding is only cognizable in this court if success on the merits of the claim
2 would “necessarily lead to [the prisoner’s] immediate or earlier release from confinement.”
3 Nettles v. Grounds, 830 F.3d 922, 935 (9th Cir. 2016).

4 Finally, because this is a habeas action and not subject to damages, petitioner’s motion for
5 prejudgment interest will be denied.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. Petitioner’s motions to proceed in forma pauperis (ECF Nos. 2, 8, 12) are GRANTED.
- 8 2. Petitioner’s motion for prejudgment interest (ECF No. 6) is DENIED.
- 9 3. The application for writ of habeas corpus does not state any grounds for relief and will
10 not be served.
- 11 4. Within thirty days of the service of this order, petitioner may file an amended petition.
12 Any amended petition must bear the case number assigned to this action and the title “Third
13 Amended Petition.” Failure to file an amended petition will result in a recommendation that this
14 action be dismissed without prejudice.
- 15 5. The Clerk of the Court is directed to send petitioner the court’s form for application
16 for writ of habeas corpus.

17 DATED: July 26, 2024

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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