

United States District Court
Southern District of Texas

ENTERED

March 11, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAYMOND DEBA,
TDCJ #01560023,
Petitioner,

VS.

ERIC GUERRERO,¹
Respondent.

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CIVIL ACTION NO. 4:24-CV-04845

ORDER

On February 24, 2025, the Court dismissed the petition filed by state inmate Raymond Deba (TDCJ #01560023) without prejudice for want of prosecution because he failed to comply with the Court’s orders to submit his petition on a form that substantially follows the form appended to the Rules Governing Section 2254 Cases in the United States District Courts or a form prescribed by local rule. *See* Doc. No. 7. Further, Deba failed to comply with the Court’s Order to Show Cause for why his petition was not time barred and successive. *Id.* Pending is Deba’s motion to reopen this case, complaining that he has

¹ Bobby Lumpkin was the previous named respondent in this action. Eric Guerrero has succeeded Lumpkin as Director of the Texas Department of Criminal Justice, Correctional Institutions Division. Under Rule 25(d) of the Federal Rules of Civil Procedure, Guerrero is automatically substituted as a party.

asked the court for forms and that he does not remember if he has filed a previous federal habeas case under 28 U.S.C. § 2254. Doc. No. 8.

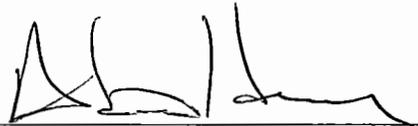
Deba's motion to reopen is **DENIED** because he previously challenged his most recent conviction for solicitation of a minor, obtained in 2008, and any new challenge to that conviction would be successive and time-barred. *See Deba v. Davis*, Civ. No. V-17-54 (S.D. Tex. Jun. 6, 2018). Therefore, reopening this case would be futile.

Accordingly, based on the foregoing, the Court **ORDERS** as follows:

1. The pending motion to reopen (Doc. No. 8) is **DENIED**.
2. All other pending motions, if any, are **DENIED as MOOT**.
3. A certificate of appealability will not issue.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED this 11th day of March 2025.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE