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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

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|-------------------------|---|------------------------------|
| KEVIN LIU, |) | Case No. CV 17-7465-SB (JPR) |
| |) | |
| Petitioner, |) | |
| |) | ORDER ACCEPTING FINDINGS AND |
| v. |) | RECOMMENDATIONS OF U.S. |
| |) | MAGISTRATE JUDGE |
| MARCUS POLLARD, Warden, |) | |
| |) | |
| Respondent. |) | |
| |) | |

The Court has reviewed the Petition, records on file, and Report and Recommendation of U.S. Magistrate Judge. On July 8, 2020, Petitioner filed Objections to the R. & R., in which he mostly repeats arguments from his Petition and Traverse. In light of his complaint that because of the COVID-19 pandemic he had limited law-library access while preparing the Objections (see Objs. at 1-2), the Magistrate Judge sua sponte granted him additional time to file supplemental objections and then granted his two requests for a further extension. On October 14, 2020, Petitioner filed Supplemental Objections, in which he primarily

1 reiterates the arguments raised in his Objections.¹ Respondent
2 has not responded to the Objections or Supplemental Objections.

3 Although he mostly spends his time discussing their merits
4 (see id. at 3-5), Petitioner also seems to contend that the
5 Magistrate Judge erred in finding grounds one through three and
6 six procedurally defaulted (id. at 2-5). Specifically, he
7 argues that the Petition's claims were "presented in a timely
8 manner" to the state courts. (Id. at 2.) But as the Magistrate
9 Judge recognized as to claims one through three, and as the
10 Court previously found (see Aug. 31, 2018 R. & R. at 6-8; Oct.
11 10, 2018 Order Accepting R. & R.), the claims were barred
12 because they should have been raised on direct appeal, not
13 because they were untimely, and the Magistrate Judge rightly
14 rejected Petitioner's argument that his appellate attorney's
15 ineffectiveness excused his procedural default because that
16 claim, which was previously dismissed from the Petition, was
17 unexhausted (see R. & R. at 23-24).

18 Petitioner also asserts that his procedural default should
19 be excused because there was "no remedy [to be] found within the
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21 ¹ **Error! Main Document Only.** Petitioner still maintains that he has
22 been denied law-library access (Suppl. Objs. at 6), and he
23 emphasizes that he has "limited knowledge and understanding" of
24 English and no "knowledge and understanding of the legal
25 procedures and processes" (id. at 7). But he did not request
26 additional time to file his Supplemental Objections, and his
27 burden to establish entitlement to federal habeas relief is not
28 lessened by his pro se status. To the extent he claims he
received ineffective assistance from a fellow inmate in
preparing his Objections and Supplemental Objections (see id. at
6-8), there is no constitutional right to counsel in federal
habeas proceedings. See Pennsylvania v. Finley, 481 U.S. 551,
555 (1987).

1 state's courts," suggesting that they would be reluctant to ever
2 find prosecutorial misconduct. (See Objs. at 4; Suppl. Objs. at
3 4.) But "[i]f a defendant perceives a constitutional claim and
4 believes it may find favor in the federal courts, he may not
5 bypass the state courts simply because he thinks they will be
6 unsympathetic to the claim." Engle v. Isaac, 456 U.S. 107, 130
7 (1982) (rejecting argument that "cause" excusing procedural
8 default was shown when raising claim in state court would have
9 been futile). Because Petitioner has failed to show that his
10 default was excused by cause or actual prejudice, the Magistrate
11 Judge didn't err by not addressing grounds one through three and
12 six on the merits. (See Objs. at 6.)

13 Having reviewed de novo those portions of the R. & R. to
14 which Petitioner objects, the Court agrees with and accepts the
15 findings and recommendations of the Magistrate Judge. IT
16 THEREFORE IS ORDERED that judgment be entered denying the
17 Petition and dismissing this action with prejudice.

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DATED: November 23, 2020

STANLEY BLUMENFELD, JR.
U.S. DISTRICT JUDGE