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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL PARKS,

Petitioner,

v.

PATRICK EATON, Warden,

Respondent.

Case No. 2:20-cv-03267-JLS (AFM)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file and the Report and Recommendation of United States Magistrate Judge (“Report”). Further, the Court has engaged in a *de novo* review of those portions of the Report to which objections have been made.

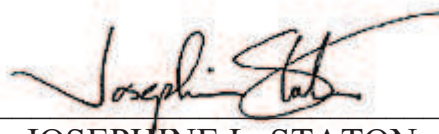
Petitioner’s objections are overruled. With the exception of the following, Petitioner’s objections do not warrant discussion as they are properly addressed in the Report.

Petitioner complains that the Report fails to address his allegation that the trial court did not obtain a written waiver of his right to be present at his trial as required by California law. (ECF No. 20 at 1-2.) To begin with, Petitioner’s assertion is factually incorrect. The Report addressed his contention, noting that his allegations did not raise a question about the federal constitutional validity of his waiver, but

1 rather boiled down to a procedural argument challenging the trial court's failure to
2 obtain a formal waiver. (ECF No. 18 at 17-18.) Furthermore, Petitioner's objection
3 relies upon an alleged violation of section 977 of the California Penal Code. Federal
4 habeas corpus relief, however, is available only when a petitioner has been convicted
5 or sentenced in violation of the Constitution, laws, or treaties of the United States. It
6 is not available for errors in the interpretation or application of state law. *Swarthout*
7 *v. Cooke*, 562 U.S. 216, 219 (2011); *Estelle v. McGuire*, 502 U.S. 62, 67-68 (1991).
8 A violation of California's rule regarding a written waiver is not grounds for federal
9 relief. Thus, even assuming the trial court erred by failing to properly apply the
10 California statute, this would not alter the conclusion that the state court's
11 determination of Petitioner's claim was neither an unreasonable application of
12 federal law nor an unreasonable determination of the facts in light of the record.

13 IT THEREFORE IS ORDERED that Judgment shall be entered denying the
14 Petition and dismissing the action with prejudice.

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16 DATED: March 22, 2021

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JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE