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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEITH ANTHONY WILLIAMS,
Petitioner,
v.
JAMES ENGLEMAN, Warden,
Respondent.

Case No. 2:24-cv-04441-PA-KES

ORDER ACCEPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition (Dkt. 1), the other records on file herein, and the Report and Recommendation of the United States Magistrate Judge (“R&R” at Dkt. 12). No objections to the Report and Recommendation have been filed. The R&R recommends dismissing the Petition as moot, because Petitioner has been released from custody and he failed to oppose Respondent’s motion to dismiss the Petition on that basis. (*Id.* at 4.) When a copy of the R&R was mailed to Petitioner, it was returned as undeliverable. (Dkt. 14, 15.)

The Court accepts the report, findings, and recommendations of the Magistrate Judge.

1 IT IS THEREFORE ORDERED that Judgment be entered dismissing the
2 Petition as moot.

3 As a federal prisoner proceeding under 28 U.S.C. § 2241, Petitioner is *not*
4 required to obtain a certificate of appealability (“COA”) in order to appeal to the
5 United States Court of Appeals in this case. See Harrison v. Ollison, 519 F.3d 952,
6 958 (9th Cir. 2008) (holding that the plain language of 28 U.S.C. § 2253(c)(1) does
7 not require federal prisoners bringing § 2241 petitions to obtain a COA in order to
8 appeal, unless the § 2241 petition “is merely a ‘disguised’ § 2255 petition”); see
9 e.g., Tomlinson v. Caraway, No. 14-cv-020094-VBF-KK, 2014 U.S. Dist. LEXIS
10 131448 at *2, 2014 WL 4656432 at *1 (C.D. Cal. Sept. 16, 2014) (adopting report
11 and recommendation and noting that petitioner in federal custody was not required
12 to obtain a COA to appeal the denial of his § 2241 petition).

13
14 DATED: August 28, 2024



PERCY ANDERSON
UNITED STATES DISTRICT JUDGE

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17 Presented by:

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19 KAREN E. SCOTT
20 UNITED STATES MAGISTRATE JUDGE