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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UDON LERTJANTHUK,
Petitioner,
v.
SECRETARY OF HOMELAND
SECURITY, et al.,
Respondents.

Case No. EDCV-16-00511-CJC (KES)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the other records on file herein, and the Report and Recommendation of the United States Magistrate Judge. No objections to the Report and Recommendation were filed. The Court accepts the findings and recommendations of the Magistrate Judge.

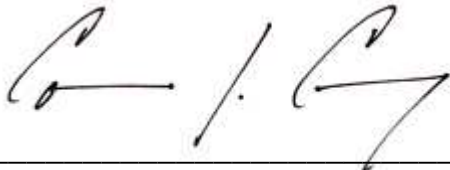
IT IS THEREFORE ORDERED that Judgment be entered dismissing the Petition with prejudice.

As a federal prisoner proceeding under 28 U.S.C. § 2241, Petitioner is not required to obtain a certificate of appealability (“COA”) in order to appeal to the United States Court of Appeals in this case. See Harrison v. Ollison, 519 F.3d 952, 958 (9th Cir. 2008) (holding that the plain language of 28 U.S.C. § 2253(c)(1) does not require federal prisoners bringing § 2241 petitions to obtain a COA in order to

1 appeal, unless the § 2241 petition “is merely a ‘disguised’ § 2255 petition”); see e.g.,
2 Tomlinson v. Caraway, No. CV-14-020094-VBF (KK), 2014 WL 4656432, at *1
3 (C.D. Cal. Sept. 16, 2014) (adopting report and recommendation and noting that
4 petitioner in federal custody was not required to obtain a COA to appeal the denial
5 of his § 2241 petition).

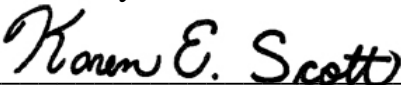
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DATED: December 6, 2016



CORMAC J. CARNEY
UNITED STATES DISTRICT JUDGE

Presented by:



KAREN E. SCOTT
United States Magistrate Judge