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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KOY WILLIAMS,
Petitioner,
v.
CYNTHIA ENTZEL,
Respondent.

Case No. 5:16-cv-02399-MWF-KES

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Petition for A Writ of Habeas Corpus Under 28 U.S.C. § 2241 (the “Petition”) filed by petitioner Koy Williams (“Petitioner”), 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, and the deadline for filing such objections has passed. 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

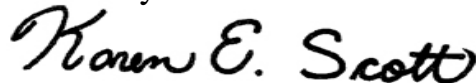
1 United States Court of Appeals in this case. See Harrison v. Ollison, 519 F.3d 952,
2 958 (9th Cir. 2008) (holding that the plain language of 28 U.S.C. § 2253(c)(1) does
3 not require federal prisoners bringing § 2241 petitions to obtain a COA in order to
4 appeal, unless the § 2241 petition “is merely a ‘disguised’ § 2255 petition”); see e.g.,
5 Tomlinson v. Caraway, 14-cv-020094-VBF (KK), 2014 U.S. Dist. LEXIS 131448,
6 at *2 (C.D. Cal. Sept. 16, 2014) (adopting report and recommendation and noting
7 that petitioner in federal custody was not required to obtain a COA to appeal the
8 denial of his § 2241 petition).

9
10 DATED: January 5, 2018



MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE

14 Presented by:



HON. KAREN E. SCOTT
UNITED STATES MAGISTRATE JUDGE