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6 **UNITED STATES DISTRICT COURT**
78 EASTERN DISTRICT OF CALIFORNIA
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10 DOMINGO BUSTOS ANAYA,

1:08-cv-00287 OWW DLB HC

11 v. Petitioner,

12 D.K. SISTO, ORDER ADOPTING FINDINGS AND
RECOMMENDATION, DISMISSING
PETITION FOR WRIT OF HABEAS CORPUS,
DIRECTING CLERK OF COURT TO ENTER
JUDGMENT, AND DECLINING TO ISSUE
CERTIFICATE OF APPEALABILITY

13 Respondent.

14 [Doc. 31]
1516 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
17 pursuant to 28 U.S.C. § 2254.18 On October 7, 2008, the Magistrate Judge issued [Findings and Recommendation](#) that the
19 Petition for Writ of Habeas Corpus be DENIED. This Findings and Recommendation was
20 served on all parties and contained notice that any objections were to be filed within thirty (30)
21 days of the date of service of the order.22 On December 3, 2008, Petitioner filed timely [objections](#) to the Findings and
23 Recommendation.24 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
25 a *de novo* review of the case. Having carefully reviewed the entire file, including Petitioner's
26 objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is
27 supported by the record and proper analysis. Petitioner's objections present no grounds for
28 questioning the Magistrate Judge's analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendation issued October 7, 2008, is ADOPTED IN
3 FULL;

4 2. The Petition for Writ of Habeas Corpus is DISMISSED, with prejudice;

5 3. The Clerk of the Court is DIRECTED to enter judgment in favor of Respondent;
6 and

7 4. The court declines to issue a Certificate of Appealability. 28 U.S.C. § 2253(c);
8 Slack v. McDaniel, 529 U.S. 473, 484 (2000) (in order to obtain a COA,
9 petitioner must show: (1) that jurists of reason would find it debatable whether the
10 petition stated a valid claim of a denial of a constitutional right; and (2) that jurists
11 of reason would find it debatable whether the district court was correct in its
12 procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000). In the present
13 case, the Court does not find that jurists of reason would not find it debatable
14 whether the petition was properly dismissed, with prejudice, as time-barred under
15 28 U.S.C. § 2244(d)(1). Petitioner has not made the required substantial showing
16 of the denial of a constitutional right.

17 IT IS SO ORDERED.

18 Dated: January 7, 2009

19 /s/ Oliver W. Wanger
20 UNITED STATES DISTRICT JUDGE

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