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8	UNITED STATES DISTRICT COURT		
9	FOR THE EASTERN DISTRICT OF CALIFORNIA		
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11	JUAN CARLOS OREGON,	No. 1:17-cv-00259-DAD-JDP (HC)	
12	Petitioner,		
13	v.	ORDER ADOPTING FINDINGS AND	
14	KELLY SANTORO,	RECOMMENDATIONS AND DENYING PETITION FOR WRIT OF HABEAS	
15	Respondent.	CORPUS  (Data No. 17)	
16		(Doc. No. 17)	
17			
18	Petitioner Juan Carlos Oregon is a state prisoner proceeding pro se and in forma pauperis		
19	with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred		
20	to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
21	On February 18, 2020, the assigned magistrate judge issued findings and		
22	recommendations, recommending that the pending petition for federal habeas relief be denied on		
23	the merits with respect to each of petitioner's claims. (Doc. No. 17.) The findings and		
24	recommendations were served upon petitioner and contained notice that any objections thereto		
25	were to be filed within fourteen (14) days from the date of service of the order. ( <i>Id.</i> at 11.) No		
26	objections have been filed, and the time in which to do so has now passed.		
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In accordance with 28 U.S.C. § 636 (b)(1)(C), the court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Having found that petitioner is not entitled to habeas relief, the court now turns to whether a certificate of appealability should issue. A prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition, as an appeal is only allowed under certain circumstances. See 28 U.S.C. § 2253; *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). In addition, Rule 11 of the Rules Governing Section 2254 Cases requires that a district court issue or deny a certificate of appealability when entering a final order adverse to a petitioner. See also Ninth Circuit Rule 22-1(a); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th Cir. 1997).

If, as here, a court denies a petition for a writ of habeas corpus, the court may only issue a certificate of appealability when "the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To make a substantial showing, the petitioner must establish that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were 'adequate to deserve encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

In the present case, the court concludes that petitioner has not made the required substantial showing of the denial of a constitutional right to justify the issuance of a certificate of appealability. Reasonable jurists would not find the court's determination that petitioner is not entitled to federal habeas corpus relief wrong or debatable, and they would not conclude that petitioner is deserving of encouragement to proceed further. The court therefore declines to issue a certificate of appealability.

## Accordingly:

- 1. The findings and recommendations issued on February 18, 2020 (Doc. No. 17), are adopted in full;
- 2. The petition for a writ of habeas corpus (Doc. No. 1) is denied;

1	3. The court declines to issue a certificate of appealability, and	
2	4. The Clerk of the Court is directed	ed to close this case.
3	IT IS SO ORDERED.	
4	Dated: March 18, 2020	Dale A. Dragd
5		UNITED STATES DISTRICT JUDGE
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