

1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
2 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and proper analysis.
4 The magistrate judge correctly concluded that the petition presented only vague and conclusory
5 allegations, none of which present viable grounds for the granting of federal habeas relief. In this
6 regard, as the “grounds for relief” in his form petition petitioner refers to an attached, handwritten
7 exhibit he entitles “Let Freedom Ring,” which, to the extent it is legible, presents no
8 comprehensible basis for habeas relief. (*See* Doc. No. 6 at 45.)

9 Having found that petitioner is not entitled to habeas relief, the court now turns to whether
10 a certificate of appealability should issue. A prisoner seeking a writ of habeas corpus has no
11 absolute entitlement to appeal a district court’s denial of his petition, as an appeal is only allowed
12 under certain circumstances. *See* 28 U.S.C. § 2253; *Miller-El v. Cockrell*, 537 U.S. 322, 335-336
13 (2003). In addition, Rule 11 of the Rules Governing Section 2254 Cases requires that a district
14 court issue or deny a certificate of appealability when entering a final order adverse to a
15 petitioner. *See also* Ninth Circuit Rule 22-1(a); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th
16 Cir. 1997).

17 If, as here, a court dismisses a petition for a writ of habeas corpus, the court may only
18 issue a certificate of appealability when “the applicant has made a substantial showing of the
19 denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To make a substantial showing, the
20 petitioner must establish that “reasonable jurists could debate whether (or, for that matter, agree
21 that) the petition should have been resolved in a different manner or that the issues presented
22 were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473,
23 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

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

3 Accordingly:

- 4 1. The findings and recommendations issued on February 28, 2020 (Doc. No. 11) are
5 adopted in full;
- 6 2. The amended petition for writ of habeas corpus (Doc. No. 6) is dismissed;
- 7 3. The court declines to issue a certificate of appealability; and
- 8 4. The Clerk of Court is directed to assign a district judge to this case for the
9 purposes of closure and to close this case.

10 IT IS SO ORDERED.

11 Dated: April 2, 2020

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14 UNITED STATES DISTRICT JUDGE
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