

1 to be filed within ten (10) days after service. (*Id.*) To date, no objections to those findings and
2 recommendations have been filed by petitioner.¹

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
4 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
5 including petitioner’s objections, the court finds the findings and recommendations to be
6 supported by the record and proper analysis.

7 Finally, a state prisoner seeking a writ of habeas corpus has no absolute entitlement to
8 appeal a district court’s denial of his petition, and an appeal is only allowed in certain
9 circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003). Specifically, the federal
10 rules governing habeas cases brought by state prisoners require a district court issuing an order
11 denying a habeas petition to either grant or deny therein a certificate of appealability. *See* Rules
12 Governing § 2254 Case, Rule 11(a). A judge shall grant a certificate of appealability “only if the
13 applicant has made a substantial showing of the denial of a constitutional right,” 28 U.S.C.
14 § 2253(c)(2), and the certificate must indicate which issues satisfy this standard, *id.* at (c)(3).
15 “Where a district court has rejected the constitutional claims on the merits, the showing required
16 to satisfy § 2253(c) is straightforward: [t]he petitioner must demonstrate that reasonable jurists
17 would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack*
18 *v. McDaniel*, 529 U.S. 473, 484 (2000). Here, petitioner has not made such a showing.
19 Accordingly, a certificate of appealability will not be issued.

20 For the reasons set forth above,

- 21 1. The October 23, 2019 findings and recommendations (Doc. No. 15) are adopted in
22 full;
- 23 2. The petition for writ of habeas corpus (Doc. No. 13) is denied;

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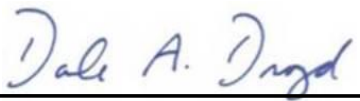
25 ¹ Five days after the pending findings and recommendations were issued and served on petitioner
26 at his P.O. Box at California Correctional Institution, petitioner filed a notice of change of address
27 as a result of him being granted parole. (*See* Doc. No. 16.) Thereafter, the court reserved
28 petitioner with the pending findings and recommendations and another order at his updated address
of record. Neither the reserved findings and recommendations nor the court’s subsequent order
have been returned to the court as undeliverable.

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- 3. The Clerk of the Court is directed to close this case; and
- 4. The court declines to issue a certificate of appealability.

IT IS SO ORDERED.

Dated: March 30, 2020


UNITED STATES DISTRICT JUDGE