

1 Petitioner being denied due process during his trial.” (*Id.* at 15.) In addition, the magistrate judge
2 determined that “the state court’s rejection of Petitioner’s juror bias claim was not contrary to, or
3 an unreasonable application of, clearly established Supreme Court precedent, nor was it based on
4 an unreasonable determination of the facts.” (*Id.*) Therefore, the magistrate judge recommended
5 the petition be denied. (*Id.*)

6 The Court served the Findings and Recommendations on Petitioner and notified him that
7 any objections were due within 14 days. (Doc. 29 at 16.) The Court advised him that the “failure
8 to file objections within the specified time may result in the waiver of rights on appeal.” (*Id.*,
9 citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did not file
10 objections, and the time to do so has passed.

11 According to 28 U.S.C. § 636(b)(1)(C), this Court performed *a de novo* review of this
12 case. Having carefully reviewed the matter, the Court concludes the Findings and
13 Recommendations are supported by the record and proper analysis.

14 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal, rather
15 an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36
16 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may only
17 issue a certificate of appealability “if jurists of reason could disagree with the district court’s
18 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues
19 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;
20 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the
21 merits of his case, he must demonstrate “something more than the absence of frivolity or the
22 existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

23 Reasonable jurists would not find the Court’s determination that the petition should be
24 denied debatable or wrong, or that the issues presented are deserving of encouragement to
25 proceed further. Petitioner has not made the required substantial showing of the denial of a
26 constitutional right. Therefore, the Court declines to issue a certificate of appealability. Based
27 upon the foregoing, the Court **ORDERS**:

- 28 1. The Findings and Recommendations issued on March 4, 2024 (Doc. 29), are

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ADOPTED in full.

2. The Second Amended Petition for writ of habeas corpus (Doc. 25) is **DENIED**.
3. The Court declines to issue a certificate of appealability.
4. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

Dated: March 25, 2024


UNITED STATES DISTRICT JUDGE