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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IVAN VON STAICH,

 Petitioner,

 v.

BOP PAROLE COMMISSION,

 Respondent.

No. 1:21-cv-00088-DAD-JLT (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
PETITION

(Doc. No. 9)

Petitioner Ivan Von Staich is a county jail inmate proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302.

On March 12, 2021, the assigned magistrate judge issued findings and recommendations, recommending that the pending petition be dismissed for failure to state a cognizable federal habeas claim. (Doc. No. 9 at 3.) The pending findings and recommendations were served on all parties with notice that any objections thereto were to be filed within thirty (30) days of service. (*Id.* at 4.) The time to file objections has since passed and no objections have been filed.

In accordance with the provisions of 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 magistrate judge’s findings and recommendations are supported by the record and proper analysis.

1 The plain language of 28 U.S.C. § 2253(c)(1) does not require a certificate of
2 appealability because this is an order denying a petition for writ of habeas corpus pursuant to 28
3 U.S.C. § 2241, not a final order in a habeas proceeding in which the detention complained of
4 arises out of process issued by a State court. *Forde v. U.S. Parole Commission*, 114 F.3d 878
5 (9th Cir. 1997); *see Ojo v. INS*, 106 F.3d 680, 681-682 (5th Cir. 1997); *Bradshaw v. Story*, 86
6 F.3d 164, 166 (10th Cir. 1996). Therefore, no certificate of appealability will be issued.

7 Accordingly,

- 8 1. The findings and recommendations issued on March 12, 2021 (Doc. No. 9) are
9 adopted in full;
- 10 2. The petition for writ of habeas corpus is dismissed;
- 11 3. No certificate of appealability will issue because none is required; and
- 12 4. The Clerk of the Court is directed to close this case.

13 IT IS SO ORDERED.

14 Dated: May 3, 2021

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17 UNITED STATES DISTRICT JUDGE