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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	CHRISTOPHER JOHN TROTTER,	Case No. 1:21-cv-00570-DAD-HBK
12	Petitioner,	ORDER ADOPTING FINDINGS AND
13	V.	RECOMMENDATIONS AND DISMISSING PETITION
14	SUPERIOR COURT OF CALIFORNIA,	(Doc. No. 11)
15	CALAVERAS COUNTY,	
16	Respondent.	
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18	Petitioner Christopher John Trotter is a state prisoner proceeding pro se and in forma	
19	pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was	
20	referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule	
21	302.	
22	On June 22, 2021, the assigned magistrate judge issued findings and recommendations	
23	recommending that the pending petition be dismissed for failure to exhaust his claim for relief by	
24	presenting them to the highest state court. (Doc. No. 11.) The pending findings and	
25	recommendations were served on petitioner at his address of record and contained notice that any	
26	objections thereto were to be filed within twenty-one (21) days of service. (Id. at 4.) Petitioner	
27	filed timely objections on June 30, 2021. (Doc. No. 12.)	
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1 In his objections, petitioner asserts that he was advised by his appellate attorney to file a 2 petition for writ of habeas corpus following the conclusion of his state court appeal. (*Id.* at 1.) 3 Petitioner also reiterates his argument that he is being denied certain time credits to which he is 4 entitled. (*Id.*) Neither of these arguments address the fact that petitioner failed to exhaust his 5 claim because he did not seek review of his claim by the California Supreme Court, nor that 6 petitioner's sole claim for relief is now procedurally barred because his petition for review was 7 due to be filed in the California Supreme Court no later than April 7, 2021. (See Doc. No. 11 at 8 2–3.) As such, petitioner's objections are unpersuasive.

9 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
10 *de novo* review of the case. Having carefully reviewed the entire file, including petitioner's
11 objections, the court concludes that the findings and recommendations are supported by the
12 record and by proper analysis.

13 Having determined that petitioner is not entitled to habeas relief, the court now turns to 14 whether a certificate of appealability should issue. A state prisoner seeking a writ of habeas 15 corpus has no absolute entitlement to appeal a district court's denial of his petition, and an appeal 16 is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); 28 17 U.S.C. § 2253. Where, as here, the court denies habeas relief on procedural grounds without 18 reaching the underlying constitutional claims, the court should issue a certificate of appealability 19 "if jurists of reason would find it debatable whether the petition states a valid claim of the denial 20 of a constitutional right and that jurists of reason would find it debatable whether the district court 21 was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). In the 22 present case, the court finds that reasonable jurists would not find the court's determination that 23 the petition should be dismissed debatable or wrong, or that petitioner should be allowed to 24 proceed further. Therefore, the court declines to issue a certificate of appealability. 25 ///// 26 ///// 27 /////

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1	Accordingly:	
2	1. The findings and recommendations issued on June 22, 2021 (Doc. No. 11)	
3	are adopted in full;	
4	2. The petition for writ of habeas corpus is dismissed;	
5	3. The court declines to issue a certificate of appealability; and	
6	4. The Clerk of the Court is directed to close this case.	
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8	Dated: September 4, 2021 Dale A. Dryd	
9	UNITED STATES DISTRICT JUDGE	
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