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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

No. 1:22-cv-00670-ADA-EPG-HC
ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS, DIRECTING CLERK OF COURT
TO CLOSE CASE, AND DECLINING TO
ISSUE A CERTIFICATE OF
APPEALABILITY
(Doc. No. 4)

Petitioner Paul C. Bolin is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 28, 2022, the magistrate judge issued findings and recommendations that recommended dismissing the petition as an unauthorized successive petition. (Doc. No. 4.) The findings and recommendations were served on petitioner and contained notice that any objections were to be filed within thirty (30) days of service. No objections have been filed, and the time for filing has expired.

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 holds the findings and recommendations to be supported by the record and proper analysis.

1 Having found that petitioner is not entitled to habeas relief, the court now turns to whether
2 a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no
3 absolute entitlement to appeal a district court's denial of his petition, and an appeal is allowed in
4 only certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003); 28 U.S.C. §
5 2253. Where, as here, the court denies habeas relief on procedural grounds without reaching the
6 underlying constitutional claims, the court should issue a certificate of appealability "if jurists of
7 reason would find it debatable whether the petition states a valid claim of the denial of a
8 constitutional right and that jurists of reason would find it debatable whether the district court was
9 correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). "Where a plain
10 procedural bar is present and the district court is correct to invoke it to dispose of the case, a
11 reasonable jurist could not conclude either that the district court erred in dismissing the petition or
12 that the petitioner should be allowed to proceed further." *Id.*

13 In the present case, the court finds that reasonable jurists would not find the court's
14 determination that the petition should be dismissed debatable or wrong, or that petitioner should
15 be allowed to proceed further. Therefore, the court declines to issue a certificate of appealability.

16 Accordingly:

- 17 1. The findings and recommendations issued on June 28, 2022, (Doc. No. 4) are adopted
18 in full;
- 19 2. The petition for writ of habeas corpus is dismissed;
- 20 3. The Clerk of Court is directed to close the case; and
- 21 4. The court declines to issue a certificate of appealability.

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24 IT IS SO ORDERED.

25 Dated: September 14, 2022

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28 UNITED STATES DISTRICT JUDGE