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8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
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11	MARIANO MEZA,	No. 1:23-cv-01736-KES-EPG (HC)	
12	Petitioner,	ORDER ADOPTING FINDINGS AND	
13	v.	RECOMMENDATIONS, GRANTING RESPONDENT'S MOTION TO DISMISS, DISMISSING PETITION FOR WRIT OF HABEAS CORPUS, DIRECTING CLERK OF COURT TO CLOSE CASE, AND DECLINING TO ISSUE A CERTIFICATE OF APPEALABILITY	
14	WARDEN,		
15	Respondent.		
16		(Docs. 11, 13)	
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18	Datitionar Mariana Maza is a fadaral r	risoner proceeding pro-so with a natition for writ of	
19	Petitioner Mariano Meza is a federal prisoner proceeding pro se with a petition for writ of		
20	habeas corpus pursuant to 28 U.S.C. § 2241. This matter was referred to a United States		
21	Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.		
22	On August 14, 2024, the assigned magistrate judge issued findings and recommendations		
23	that recommended dismissing the petition as moot. Doc. 13. The findings and recommendations		
24	were served on the parties and contained notice that any objections were to be filed within thirty		
25	(30) days of the date of service of the findings and recommendations. <i>Id.</i> To date, no objections		
26	have been filed, and the time for doing so has passed.		
27	In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de		
28	novo review of the case. Having carefully reviewed the file, the Court holds the findings and		

recommendations to be supported by the record and proper analysis. As the magistrate judge pointed out, there is no Article III case or controversy because the petitioner has not suffered an actual injury. Doc. 13 at 2. The record in this case shows that petitioner has received the remedy he sought. *See* Doc. 11-1 at 3, 6. Therefore, he does not have an actual injury. *See Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (explaining that the case or controversy requirement of Article III requires that petitioner must have suffered "an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision").

Having found that petitioner is not entitled to habeas relief, the Court now turns to whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition, and an appeal is allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If a court denies a habeas petition on the merits, the court may issue a certificate of appealability only "if jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the merits of his case, he must demonstrate "something more than the absence of frivolity or the existence of mere good faith on his . . . part." *Miller-El*, 537 U.S. at 338.

In the present case, the Court finds that reasonable jurists would not find the Court's determination that the petition should be denied debatable, wrong, or deserving of encouragement to proceed further. Petitioner has not made the required substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability.

## Accordingly:

- 1. The findings and recommendations issued on August 14, 2024, Doc. 13, are ADOPTED in full;
- 2. Respondent's motion to dismiss, Doc. 11, is GRANTED;
- 3. The petition for writ of habeas corpus is DISMISSED;
- 4. The Clerk of Court is directed to close the case; and

1	5. The Court declines to issue a certificate of appealability.	
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4	IT IS SO ORDERED.	finh frug
5	Dated: October 23, 2024	V I
6		UNITED STATES DISTRICT JUDGE
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