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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA


RICHARD VINCENT ROOD,
Petitioner,
v.
GARY SWARTHOUT,
Respondent.

No. 2:12-cv-1476 MCE AC P

ORDER

Petitioner requests clarification of the undersigned’s instructions to address, in his objections to the findings and recommendations, whether a certificate of appealability should issue in this case and, if so, why and to which issues. See ECF Nos. 75, 78. Petitioner does not believe he should be required to address the merits of a certificate of appealability unless his petition for writ of habeas corpus is denied. ECF No. 78. However, should the district judge adopt the undersigned’s recommendation that the petition be denied, the district judge will then also address whether a certificate of appealability should issue. Therefore, if petitioner wishes to inform the district judge of his argument in support of a certificate of appealability, petitioner must address the matter in his objections to the findings and recommendations.

DATED: July 24, 2019


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE