UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD BLOUNT,

Petitioner,

v.

J. SOTO, et al.,

Respondents.

No. 2:15-cv-1809 KJM AC

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 10, 2023, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 85. Neither party filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.,* 708 F.2d 452, 454 (9th Cir. 1983). The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Before petitioner can appeal this decision, a certificate of appealability must be issued. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). Where the petition is denied on the merits, a certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The court finds the petitioner has not made this showing and thus declines to issue a certificate of appealability.

Accordingly, IT IS HEREBY ORDERED:

1. The findings and recommendations filed March 10, 2023 (ECF No. 85), are adopted in full;

2. Petitioner's motion for a stay under *Rhines v. Weber*, ECF No. 18, is denied;

3. The petition for writ of habeas corpus is denied;

4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and

5. The Clerk of the Court is directed to close this case.

DATED: May 16, 2023.

CHIEF UNITED STATES DISTRICT JUDGE