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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE JOHN BOURAS,
Petitioner,
v.
MICHAEL MARTEL,
Respondent.

No. 2:17-cv-0649 TLN CKD P

FINDINGS AND RECOMMENDATIONS

On January 11, 2021, petitioner was ordered to show cause why this action should not be dismissed. Petitioner was warned that failure to respond to the order to show cause would result in a recommendation that this action be dismissed. The time for responding to the order to show cause has expired and petitioner has not responded.

Although it appears from the file that petitioner’s copy of the order to show cause was returned, petitioner was properly served. It is the petitioner’s responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

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Accordingly, IT IS HEREBY RECOMMENDED that

- 1. Petitioner’s petition for a writ of habeas corpus (ECF No. 1) be dismissed; and
- 2. This case be closed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, petitioner may file written objections with the court. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” In his objections petitioner may address whether a certificate of appealability should issue in the event he files an appeal of the judgment in this case. See Rule 11, Federal Rules Governing Section 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant). Where, as here, a habeas petition is dismissed on procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the district court was correct in its procedural ruling;’ and (2) ‘that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right.’” Morris v. Woodford, 229 F.3d 775, 780 (9th Cir. 2000) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)). Petitioner is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 17, 2021



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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