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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TYWAN LEONARD JOHNSON,
Petitioner,
v.
JOHN SUTTON,
Respondent.

No. 2:17-cv-0958 KJM AC P

ORDER

Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1. 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 June 14, 2022, the magistrate judge issued findings and recommendations, which were served on petitioner, and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within twenty-one days. ECF No. 45. Petitioner has not 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 Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1 . . .”). Having reviewed the file and carefully considered the Magistrate Judge’s thorough
2 discussion of the *Batson* claim, the court finds the findings and recommendations to be supported
3 by the record and by the proper analysis.


4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The findings and recommendations issued June 14, 2022 (ECF No. 45), are
6 ADOPTED in full;

7 2. The petition for writ of habeas corpus (ECF No. 1) is DENIED and the clerk of court is
8 directed to close this case; and

9 3. The court DECLINES to issue the certificate of appealability referenced in 28 U.S.C.
10 § 2253.

11 DATED: August 18, 2022.

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14 _____
15 CHIEF UNITED STATES DISTRICT JUDGE
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