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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

YONNIE JACKSON,
Petitioner,
v.
JOSE MARTINEZ,
Respondent.

No. 2:17-cv-01311-TLN-CKD

ORDER

Petitioner Yonnie Jackson (“Petitioner”), a state prisoner proceeding *pro se*, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 27, 2021, the magistrate judge filed findings and recommendations herein 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. 36.) Petitioner has filed timely objections to the findings and recommendations, maintaining the evidence was not sufficient to support the jury’s determination that he was conscious at the time of offense in violation of due process. (ECF No. 37.) The Court agrees with the magistrate judge’s findings that “the California Court of Appeal’s rejection of this claim was neither contrary to nor an unreasonable application of the *Jackson [v. Virginia]*, 443 U.S. 307 (1979)] sufficiency standard.” (ECF No. 36 at 13.)

1 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
2 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed *de novo*.
3 *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

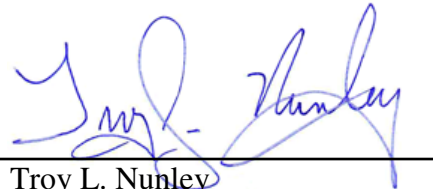
4 The Court has reviewed the file and finds the findings and recommendations to be
5 supported by the record and by the magistrate judge’s analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed July 27, 2021 (ECF No. 36), are ADOPTED
8 IN FULL;
9 2. Petitioner’s application for a writ of habeas corpus is DENIED; and
10 3. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. §
11 2253.

12 IT IS SO ORDERED.

13 Date: October 7, 2021

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17 Troy L. Nunley
18 United States District Judge

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