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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANTHONY L. ZEIGLER,  
Petitioner,  
v.  
ROBERT FOX,  
Respondent.

No. 2:18-cv-00578-TLN-DMC

**ORDER**

Petitioner Anthony L. Zeigler (“Petitioner”), a state prisoner proceeding *pro se*, brings this Petition 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(c)(21).

On February 22, 2021, the Magistrate Judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within the time specified therein. (ECF No. 25.) No objections to the findings and recommendations have been filed.

The Court has reviewed the file under the applicable legal standards and finds the Findings and Recommendations to be supported by the record and by the Magistrate Judge's analysis.

Pursuant to Rule 11(a) of the Federal Rules Governing Section 2254 Cases, the Court has considered whether to issue a certificate of appealability. Before Petitioner can appeal this

1 decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).  
2 Where the petition is denied on the merits, a certificate of appealability may issue under 28  
3 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a  
4 constitutional right.” 28 U.S.C. § 2253(c)(2). The Court must either issue a certificate of  
5 appealability indicating which issues satisfy the required showing or must state the reasons why  
6 such a certificate should not issue. *See* Fed. R. App. P. 22(b). Where the petition is dismissed on  
7 procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that  
8 jurists of reason would find it debatable whether the district court was correct in its procedural  
9 ruling’; and (2) ‘that jurists of reason would find it debatable whether the petition states a valid  
10 claim of the denial of a constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir.  
11 2000) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000)). For the reasons set forth in the  
12 Findings and Recommendations (ECF No. 25), the Court finds that issuance of a certificate of  
13 appealability is not warranted in this case.


14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The Findings and Recommendations filed February 22, 2021 (ECF No. 25), are  
16 ADOPTED IN FULL;
- 17 2. Petitioner’s Petition for a Writ of Habeas Corpus (ECF No. 1) is DENIED;
- 18 3. The Court declines to issue a certificate of appealability; and
- 19 4. The Clerk of the Court is directed to enter Judgment and close this file.

20 IT IS SO ORDERED.

21 DATED: April 6, 2021

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Troy L. Nunley  
United States District Judge