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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	LEE KELLY CLARKE,	No. 2:22-CV-0380-WBS-DMC-P
12	Petitioner,	ODDED
13	v.	<u>ORDER</u>
14	SCSO, et al.,	
15	Respondents.	
16		
17	Petitioner, a prisoner proceeding pro se, brings this petition for a writ of habeas	
18	corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge	
19	pursuant to Eastern District of California local rules.	
20	On May 20, 2022, the Magistrate Judge filed findings and recommendations herein	
21	which were served on the parties and which contained notice that the parties may file objections	
22	within the time specified therein. No objections to the findings and recommendations have been	
23	filed.	
24	The Court has reviewed the file and finds the findings and recommendations to be	
25	supported by the record and by the Magistrate Judge's analysis.	
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1	Pursuant to Rule 11(a) of t
2	Court has considered whether to issue a c
3	this decision, a certificate of appealability
4	22(b). Where the petition is denied on the
5	28 U.S.C. § 2253 "only if the applicant ha
6	constitutional right." 28 U.S.C. § 2253(c
7	appealability indicating which issues satis
8	such a certificate should not issue. See Fe
9	procedural grounds, a certificate of appea
10	jurists of reason would find it debatable v
11	ruling'; and (2) 'that jurists of reason wou
12	claim of the denial of a constitutional righ
13	2000) (quoting Slack v. McDaniel, 529 U
14	set forth in the Magistrate Judge's finding
15	a certificate of appealability is not warran
16	Accordingly, IT IS HERE
17	1. The findings and re

the Federal Rules Governing Section 2254 Cases, the ertificate of appealability. Before Petitioner can appeal must issue. See 28 U.S.C. § 2253(c); Fed. R. App. P. e merits, a certificate of appealability may issue under as made a substantial showing of the denial of a e)(2). The court must either issue a certificate of sfy the required showing or must state the reasons why ed. R. App. P. 22(b). Where the petition is dismissed on lability "should issue if the prisoner can show: (1) 'that whether the district court was correct in its procedural ald find it debatable whether the petition states a valid ht." Morris v. Woodford, 229 F.3d 775, 780 (9th Cir. S. 473, 120 S.Ct. 1595, 1604 (2000)). For the reasons gs and recommendations, the Court finds that issuance of ted in this case.

BY ORDERED that:

- The findings and recommendations filed May 20, 2022, are adopted in full;
- 2. This action is dismissed without prejudice for lack of prosecution and failure to comply with court rules and orders;
 - 3. The Court declines to issue a certificate of appealability; and
 - 4. The Clerk of the Court is directed to enter judgment and close this file.

Dated: October 4, 2022

UNITED STATES DISTRICT JUDGE

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