



1 of service. (*Id.* at 2.) To date, petitioner has not filed any objections and the time in which to do  
2 so has passed.

3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
5 pending findings and recommendations are supported by the record and proper analysis.

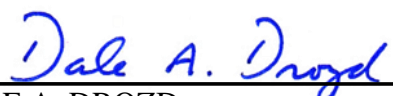
6 Having concluded that the pending petition must be dismissed, the court also declines to  
7 issue a certificate of appealability. A petitioner seeking writ of habeas corpus has no absolute  
8 right to appeal; he may appeal only in limited circumstances. *See* 28 U.S.C. § 2253; *Miller-El v.*  
9 *Cockrell*, 537 U.S. 322, 335-36 (2003). If a court denies a petitioner’s petition, the court may  
10 only issue a certificate of appealability when a petitioner makes a substantial showing of the  
11 denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Where, as here, the court denies habeas  
12 relief on procedural grounds without reaching the underlying constitutional claims, the court  
13 should issue a certificate of appealability “if jurists of reason would find it debatable whether the  
14 petition states a valid claim of the denial of a constitutional right and that jurists of reason would  
15 find it debatable whether the district court was correct in its procedural ruling.” *Slack v.*  
16 *McDaniel*, 529 U.S. 473, 484 (2000). In the present case, the court finds that reasonable jurists  
17 would not find the court’s determination that the pending petition must be dismissed to be  
18 debatable or wrong. Thus, the court declines to issue a certificate of appealability.

19 Accordingly,

- 20 1. The findings and recommendations issued on March 7, 2024 (Doc. No. 19) are  
21 adopted in full;
- 22 2. The operative petition for a writ of habeas corpus (Doc. No. 1) is dismissed;
- 23 3. The court declines to issue a certificate of appealability; and
- 24 4. The Clerk of the Court is directed to close this case.

25 IT IS SO ORDERED.

26 Dated: November 25, 2024

27   
28 DALE A. DROZD  
UNITED STATES DISTRICT JUDGE