

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEROME ELI McCOY,
Petitioner,
v.
SACRAMENTO COUNTY. JAIL,
Respondent.

No. 2:22-cv-2182 DJC DB P

ORDER

Petitioner, a pretrial detainee proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. 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 February 1, 2023, the Magistrate Judge filed findings and recommendations, which were served on Petitioner and contained notice to Petitioner that any objections to the findings and recommendations were to be filed within thirty days. Petitioner has filed objections to the findings and recommendations, but has failed to state grounds for his objection.

Petitioner also seeks the appointment of counsel. Because petitioner's case will be dismissed, the Court finds appointment of counsel inappropriate.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having reviewed the file,

1 the Court finds the findings and recommendations to be supported by the record and
2 by the proper analysis. The Court clarifies for the record that Petitioner's duplicative
3 case referenced in the findings and recommendations is 2:22-cv-01770-AC. The
4 Court has reviewed the complaint in that case and concludes the allegations are
5 duplicative.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed February 1, 2023, are adopted in
8 full;
- 9 2. Petitioner's motion for the appointment of counsel (ECF No. 13) is denied;
- 10 3. This action is dismissed without prejudice. See Fed. R. Civ. P. 41(b); and
- 11 4. The Court denies the Certificate of Appealability as Petitioner has not made
12 a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).
- 13 5. The Clerk of Court is directed to close this matter.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: May 18, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE