

1 court construes as his objections to the findings and recommendations. In his objections
2 petitioner complains generally of the conditions of his confinement in state prison and his lack of
3 legal knowledge or assistance in that regard. (*Id.*) Those objections, however, provide no basis
4 upon which to question the analysis set forth in the pending findings and recommendations.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
6 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file,
7 including plaintiff's objections, the court finds the findings and recommendations to be supported
8 by the record and by proper analysis.

9 In addition, the court declines to issue a certificate of appealability. A petitioner seeking a
10 writ of habeas corpus has no absolute entitlement to appeal a district court's denial of his petition,
11 and an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–
12 36 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may only
13 issue a certificate of appealability if “jurists of reason could disagree with the district court’s
14 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues
15 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;
16 *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to
17 prove the merits of his case, he must demonstrate “something more than the absence of frivolity
18 or the existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338. In the present
19 case, the court concludes that reasonable jurists would not find the court’s determination that the
20 petition should be dismissed debatable or wrong, or that the issues presented are deserving of
21 encouragement to proceed further. Petitioner has not made the required substantial showing of
22 the denial of a constitutional right. Therefore, the court will decline to issue a certificate of
23 appealability.

24 Accordingly, IT IS HEREBY ORDERED that:

- 25 1. The findings and recommendations (Doc. No. 6) are ADOPTED IN FULL;
- 26 2. Petitioner’s petition for a writ of habeas corpus (Doc. No. 1) is summarily
27 DISMISSED;

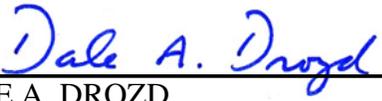
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3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
4. The Clerk of the Court is directed to CLOSE this case.

IT IS SO ORDERED.

Dated: March 4, 2025



DALE A. DROZD
UNITED STATES DISTRICT JUDGE