Doc. 15 (HC) Rivera v. Warden 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 FELIX RIVERA, Case No. 2:23-cv-02576-DAD-JDP (HC) 12 Petitioner. 13 ORDER ADOPTING FINDINGS AND v. RECOMMENDATIONS AND GRANTING 14 RESPONDENT'S MOTION TO DISMISS WARDEN, **HABEAS PETITION** 15 Respondent. (Doc. Nos. 11, 14) 16 17 Petitioner Felix Rivera, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States 18 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 20 On October 9, 2024, the assigned magistrate judge issued findings and recommendations 21 recommending that respondent's motion to dismiss (Doc. No. 11) the petition be granted. (Doc. 22 No. 14.) Specifically, the magistrate judge concluded that the government had established that petitioner is the subject of a final order of removal and is therefore not eligible for early release 23 24 under the First Step Act. (Doc. No. 14 at 2) (citing 18 U.S.C. § 3632(d)(4)(E)(i)). The findings and recommendations were served on all parties and contained notice that any objections to the 25 26 ///// 27 ///// 28 ///// 1

1	findings and recommendations were to be filed within fourteen days after their service. Neither
2	party has filed objections to the findings and recommendations and the time in which to do so has
3	passed.
4	The court has reviewed the file and finds the findings and recommendations to be
5	supported by the record and by the magistrate judge's analysis. Accordingly:
6	1. The findings and recommendations issued on October 9, 2024 (Doc. No. 14) are
7	adopted in full;
8	2. Respondent's motion to dismiss (Doc. No. 11) is GRANTED and the petition is
9	dismissed; and
10	3. The Clerk of the Court is directed to close this case. ²
11	IT IS SO ORDERED.
12	Dated: January 24, 2025
13	DALE A. DROZD
14	UNITED STATES DISTRICT JUDGE
15	
16	
17	
18	
19	
20	
21	
22	The docket in this action reflects that the findings and recommendations were served by mail
23	upon petitioner at his address of record. However, they were returned to the court as undeliverable. According to the Bureau of Prisons inmate locator, petitioner remains in custody
24	at the same institution identified in his address of record with the court. In any event, it is the
25	petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.
26 27	² Because petitioner is a federal prisoner bringing a § 2241 petition, a certificate of appealability is not required. <i>See Harrison v. Ollison</i> , 519 F.3d 952, 958 (9th Cir. 2008) ("The plain language")

of [28 U.S.C.] § 2253(c)(1) does not require a petitioner to obtain a COA in order to appeal the

27

28

denial of a § 2241 petition.").

²