



1 communicated with the court in any way since filing his petition and motion for stay on  
2 September 19, 2024.

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

6 In addition, having concluded that the pending petition must be dismissed, the court also  
7 declines to issue a certificate of appealability. A petitioner seeking writ of habeas corpus has no  
8 absolute right to appeal; he may appeal only in limited circumstances. *See* 28 U.S.C. § 2253;  
9 *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). If a court denies a petitioner’s petition, the  
10 court may only issue a certificate of appealability when a petitioner makes a substantial showing  
11 of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Where, as here, the court denies  
12 habeas relief on procedural grounds without reaching the underlying constitutional claims, the  
13 court should issue a certificate of appealability “if jurists of reason would find it debatable  
14 whether the petition states a valid claim of the denial of a constitutional right and that jurists of  
15 reason would find it debatable whether the district court was correct in its procedural ruling.”  
16 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). In the present case, the court finds that reasonable  
17 jurists 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 December 12, 2024 (Doc. No. 7), are  
21 ADOPTED in full;
- 22 2. The petition is DISMISSED without prejudice due to petitioner’s lack of  
23 prosecution and failure to comply with court rules and orders;
- 24 3. Petitioner’s motion for a stay and abeyance (Doc. No. 2), is DENIED as moot;

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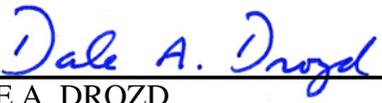
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4. The Court DECLINES to issue a certificate of appealability; and

5. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 6, 2025

  
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DALE A. DROZD  
UNITED STATES DISTRICT JUDGE