

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
SOUTHERN DISTRICT OF CALIFORNIA**

LOUIS JESUS COMADURAN,

v.

KEN CLARK, WARDEN,

Respondent.

Case No. 09cv869 BTM(AJB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION; DENYING
PETITION; AND GRANTING IN
PART AND DENYING IN PART A
CERTIFICATE OF APPEALABILITY**

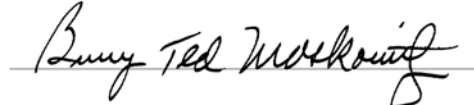
Louis Jesus Comaduran was convicted in a single trial of offenses relating to a home invasion robbery on March 1, 2005, flight from and assault of police officers on March 8, 2005, and resisting jail officers on June 26, 2005. He seeks a writ of habeas corpus, contending that the joinder of the three incidents for trial prejudicially deprived him of due process. Magistrate Judge Battaglia issued a Report and Recommendation (“R&R”) that the Petition be denied. Comaduran has not filed any objections to the R&R. The Court has considered the R&R and the relevant record and concludes that the R&R correctly applies the controlling law to the facts of this case.

Therefore, the Court **ADOPTS** the R&R as the decision of this Court. The Petition for Writ of Habeas Corpus is **DENIED**. The Court **GRANTS** a certificate of appealability limited solely to the issue of whether Petitioner’s right to due process was violated by the joinder of the offense of resisting an executive officer on June 26, 2005, with the offenses alleged to

1 have taken place on March 1 and 8, 2005.

2 **IT IS SO ORDERED.**

3
4 DATED: June 23, 2010



Honorable Barry Ted Moskowitz
United States District Judge

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28