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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 LIONEL QUINTEROS,

12 Petitioner,

13 v.

14 DANIEL PARAMO, Warden,

15 Respondent.
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Case No.: 16-cv-583 JLS (JLB)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

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19 Presently before the Court is the case of *Quinteros v. Paramo*. The Court adopted
20 Magistrate Judge Jill L. Burkhardt’s Report and Recommendation and concluded that
21 Petitioner’s claims are without merit. (ECF No. 17.)

22 Rule 11(a) governing cases brought under Sections 2254 and 2255 of Title 28 of the
23 United States Code establishes that a “district court must issue or deny a certificate of
24 appealability when it enters a final order adverse to the applicant.” *See* 28 U.S.C. § 2254.
25 A certificate of appealability is authorized “if the applicant has made a substantial showing
26 of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this
27 standard by demonstrating that jurists of reason could disagree with the district court’s
28 resolution of his constitutional claims or that jurists could conclude the issues presented

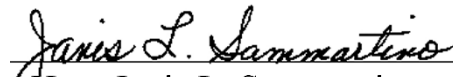
1 are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S.
2 322, 327 (2003); *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

3 In the present case, Judge Burkhardt carefully and thoroughly considered the
4 Petition, (ECF No. 16), and the Court reviewed both Judge Burkhardt’s Report and
5 Recommendation and the record for clear error, (ECF No. 17). Petitioner at no time
6 objected to Judge Burkhardt’s Report and Recommendation. (*See* ECF Nos. 16, 17.)
7 Ultimately, the Court concluded that Petitioner’s claims were either foreclosed by binding
8 precedent or lacking in evidentiary support. (ECF No. 17.) Given the foregoing, the Court
9 also concludes that no jurist of reason could either disagree with this resolution or conclude
10 that the issues presented are adequate to deserve encouragement to proceed further.

11 The Court therefore **DENIES** a certificate of appealability.

12 **IT IS SO ORDERED.**

13 Dated: June 22, 2017


14 Hon. Janis L. Sammartino
15 United States District Judge
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