

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hoffer v. Gamboa

Hoffer · No. No. 2:25-CV-01253-DC-DMC (HC) · Decided December 31, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in Michael Hoffer’s habeas corpus proceeding. The court granted respondent Martin Gamboa’s motion to dismiss, dismissed the petition, declined to issue a certificate of appealability, and directed the clerk to close the case. The order was issued after neither party filed objections.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Dena Coggins
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 31, 2025
DOCKET	No. 2:25-CV-01253-DC-DMC (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge issued findings and recommendations recommending dismissal, neither party objected. The district court conducted de novo review, adopted the findings and recommendations, granted respondent's motion to dismiss, dismissed the petition, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1)(C) and Local Rule 304.
PRECEDENTIAL VALUE	unknown
PARTIES	Michael Hoffer v. Martin Gamboa

TOPICS

- federal habeas corpus
- post-conviction relief
- motions to dismiss
- appellate procedure
- writ of certiorari

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after conducting de novo review when no party filed objections.
2. Whether the pending § 2254 habeas petition should be dismissed on the grounds identified in the adopted findings and recommendations.
3. Whether a certificate of appealability should issue after dismissal of the habeas petition.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after conducting de novo review and finding them supported by the record and proper analysis.
2. The petition for a writ of habeas corpus was dismissed, and respondent's motion to dismiss was granted.
3. No certificate of appealability issued because reasonable jurists would not find the court's determination that the petition must be dismissed debatable or wrong.

KEY QUOTATIONS

“Where, as here, the court denies habeas relief on procedural grounds without reaching the underlying constitutional claims, the court should issue a certificate of appealability if “jurists of reason would find it debatable whether the petition states valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.”” (at 1)

FACTUAL BACKGROUND

Michael Hoffer was a state prisoner who filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The district court's order does not describe the underlying conviction or constitutional claims because it adopted the magistrate judge's findings and recommendations without reproducing their substantive analysis. The parties did not object to the findings and recommendations.

PROCEDURAL HISTORY

Michael Hoffer, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a magistrate judge, who filed findings and recommendations on November 12, 2025. No objections were filed within the permitted fourteen-day period. The district court reviewed the matter de novo, adopted the findings and recommendations in full, granted the motion to dismiss, dismissed the petition, declined to issue a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL HOFFER, No. 2:25-CV-01253-DC-DMC (HC) 12 Petitioner, 13
v. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS 14 MARTIN GAMBOA,
(Doc. Nos. 12, 13) 15 Respondent. 16 17 Petitioner Michael Hoffer, a state prisoner proceeding
pro se, filed this application for a 18 writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The matter was referred to a United States 19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On November 12, 2025, the magistrate judge filed findings and
recommendations herein, 21 which were served on all parties and contained notice that any
objections to the findings and 22 recommendations were to be filed within fourteen (14) days.

(Doc. No. 13.) Neither party filed 23 objections to the findings and recommendations, and the time
to do so has passed. 24 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local
Rule 304, this 25 court has conducted a de novo review of this case.

Having carefully reviewed the entire file, the 26 court finds the findings and recommendations to
be supported by the record and by proper 27 analysis. 28 Having concluded that the pending
petition must be dismissed, the court also declines to 1 | issue a certificate of appealability. A
petitioner seeking writ of habeas corpus has no absolute 2 | right to appeal; he may appeal only in
limited circumstances.

See 28 U.S.C. § 2253; Miller-El v. 3 | Cockrell, 537 U.S. 322, 335-36 (2003). If a court denies a
petitioner's petition, the court may only 4 | issue a certificate of appealability when a petitioner
makes a substantial showing of the denial of 5 | a constitutional right. 28 U.S.C. § 2253(c)(2).
Where, as here, the court denies habeas relief on 6 | procedural grounds without reaching the
underlying constitutional claims, the court should issue a 7 | certificate of appealability if “jurists
of reason would find it debatable whether the petition states 8 | valid claim of the denial of a
constitutional right and that jurists of reason would find it 9 | debatable whether the district court
was correct in its procedural ruling.” Slack v. McDaniel, 529 10 | U.S. 473, 484 (2000).

11 In the present case, the court finds that reasonable jurists would not find the court's 12 |
determination that the pending petition must be dismissed to be debatable or wrong. Thus, the 13 |
court declines to issue a certificate of appealability. 14 Accordingly, IT IS HEREBY ORDERED
that: 15 1.

The findings and recommendations filed on November 12, 2025 (Doc. No. 13) are 16 ADOPTED in full; 17 2. Respondent Martin Gamboa's motion to dismiss (Doc. No. 12) is GRANTED; 18 3. The petition for writ of habeas corpus (Doc. No. 1) is DISMISSED; 19 4.

The court declines to issue a certificate of appealability; and 20 5. The Clerk of the Court is directed to close this case. 21 IT IS SO ORDERED. □ 23 | Dated: _December 30, 2025 _ DUC Dena Coggins 24 United States District Judge 25 26 27 28