

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Angelo J. Andrews v. Sacramento Sheriff County Jail

Andrews v. Sacramento Sheriff County Jail · No. 2:25-cv-01903-DC-SCR (HC) · Decided December 11, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full a magistrate judge's findings and recommendations concerning Angelo J. Andrews's 28 U.S.C. § 2254 habeas petition. The court dismissed the action without prejudice, declined to issue a certificate of appealability, and directed the Clerk to close the case.

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 11, 2025
DOCKET	2:25-cv-01903-DC-SCR (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, petitioner filed no objections. The district court conducted de novo review, adopted the findings and recommendations, dismissed the action without prejudice, 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).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Angelo J. Andrews v. Sacramento Sheriff County Jail

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review
- writ of certiorari

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's findings and recommendations after conducting de novo review when petitioner filed no objections.
2. Whether the habeas action should be dismissed without prejudice.
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 under 28 U.S.C. § 636(b)(1)(C).
2. The pending habeas action was dismissed without prejudice.
3. A certificate of appealability was denied because reasonable jurists would not find the court's determination that the petition must be dismissed debatable or wrong.

KEY QUOTATIONS

“Having concluded that the pending petition must be dismissed, the court also declines to issue a certificate of appealability.” (1)

“In the present case, the court finds that reasonable jurists would not find the court's determination that the pending petition must be dismissed to be debatable or wrong.” (1)

“The findings and recommendations filed on September 3, 2025 (Doc. No. 4) are ADOPTED IN FULL;” (2)

FACTUAL BACKGROUND

Angelo J. Andrews, a county jail inmate proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. A magistrate judge issued findings and recommendations recommending dismissal, and the findings and recommendations were served on Andrews with notice of his right to object. Andrews filed no objections, and the district court determined that the petition had to be dismissed, although the order does not state the underlying basis for dismissal.

PROCEDURAL HISTORY

The matter was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The magistrate judge filed findings and recommendations on September 3, 2025, and petitioner did not object within the prescribed twenty-one-day period. The district court reviewed the record de novo, adopted the findings and recommendations in full, dismissed the petition without prejudice, denied 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 ANGELO J. ANDREWS, No. 2:25-cv-01903-DC-SCR (HC) 12 Petitioner,
13 v. ORDER ADOPTING FINDINGS AND RECOMMENDATIONS 14 SACRAMENTO
SHERIFF COUNTY JAIL, (Doc. No. 4) 15 Respondent. 16 17 18 Petitioner Angelo J. Andrews, a
county jail inmate proceeding pro se, has filed an 19 application for a writ of habeas corpus
pursuant to 28 U.S.C. § 2254.

The matter was referred to a 20 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 21 On September 3, 2025, the magistrate judge filed findings and
recommendations, which 22 were served on Petitioner and contained notice to Petitioner that any
objections to the findings 23 and recommendations were to be filed within twenty-one (21) days.

(Doc. No. 4.) Petitioner has 24 not filed objections to the findings and recommendations, and the
time to do so has passed. 25 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this
court has conducted a 26 de novo review of the case.

Having carefully reviewed the entire file, the court concludes that the 27 findings and
recommendations are supported by the record and by proper 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 | a 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).

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

The findings and recommendations filed on September 3, 2025 (Doc. No. 4) are 15 ADOPTED IN FULL; 16 2. This action is dismissed without prejudice; 17 3. The court declines to issue a certificate of appealability; and 18 4.

The Clerk of the Court is directed to close this case. 19 20 IT IS SO ORDERED. ☐ | Dated: _December 10, 2025 _ DUC Dena Coggins 22 United States District Judge 23 24 25 26 27 28