

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hernandez v. Schultz

No. 1:24-cv-00736-KES-SKO (E.D. Cal. May 14, 2025) · No. 1:24-cv-00736-KES-SKO (HC) · Decided May 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Victor Alfonso Hernandez’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court denied the petition with prejudice, declined to issue a certificate of appealability, and directed the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 15, 2025
DOCKET	1:24-cv-00736-KES-SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial on the merits, petitioner filed objections, and the district court conducted de novo review before adopting the findings and recommendations.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge's findings and recommendations to which objections were made.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	Victor Alfonso Hernandez, Petitioner v. Jason Schultz, Warden, Respondent

TOPICS

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

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations recommending denial of the § 2254 petition should be adopted after de novo review of petitioner's objections.
2. Whether a certificate of appealability should issue following denial of the habeas petition on the merits.

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis, and petitioner's objections did not identify an error requiring rejection; therefore, the findings and recommendations were adopted in full and the habeas petition was denied with prejudice.
2. A certificate of appealability should not issue because reasonable jurists would not find the denial of the petition debatable or wrong and petitioner did not make the required substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“The petition for writ of habeas corpus is denied with prejudice;” (at 4)

“reasonable jurists would not find the Court’s determination that the petition should be denied debatable or wrong, or that the issues presented are deserving of encouragement to proceed further.” (at 2)

FACTUAL BACKGROUND

Victor Alfonso Hernandez is a state prisoner who filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The opinion does not summarize the underlying conviction or the specific constitutional claims because it adopts the magistrate judge's merits analysis. The district court concluded that the petition was not supported by grounds warranting habeas relief.

PROCEDURAL HISTORY

The magistrate judge issued findings and recommendations on October 31, 2024, recommending that the habeas petition be denied on its merits. Petitioner filed objections on November 21, 2024. The district court reviewed the matter de novo, adopted the findings and recommendations in full, denied the petition with prejudice, declined to issue a certificate of appealability, and directed entry of judgment and closure of the case.

DISPOSITION

dismissed

CASES CITED

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

OPINION

(HC) Hernandez v. Schultz

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 VICTOR ALFONSO HERNANDEZ, No. 1:24-cv-00736-KES-SKO (HC)

12 Petitioner, ORDER ADOPTING FINDINGS AND

RECOMMENDATIONS, DENYING

13 PETITION FOR WRIT OF HABEAS

CORPUS, DECLINING TO ISSUE

14 v. CERTIFICATE OF APPEALABILITY, AND

DIRECTING CLERK OF COURT TO ENTER

15 JUDGMENT AND CLOSE CASE

16 (Doc. 17) JASON SCHULTZ, Warden, 17 Respondent. 18 19 20 Petitioner Victor Alfonso Hernandez is a state prisoner proceeding with a petition for writ 21 of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States 22 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 23 On October 31, 2024, the assigned magistrate judge issued findings and recommendations 24 to deny the petition on its merits. Doc. 17. Those findings and recommendations were served 25 upon all parties and contained notice that any objections thereto were to be filed within twenty- 26 one (21) days after service. On November 21, 2024, petitioner filed objections to the findings and 27 recommendations. Doc. 18. 28 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de 1 novo review of the case. Having carefully reviewed the file, including petitioner's objections, the 2 Court concludes that the findings and recommendations are supported by the record and proper 3 analysis. Petitioner's objections do not raise any argument that the findings and 4 recommendations did not correctly and thoroughly address. 5 Having found that petitioner is not entitled to habeas relief, the Court turns to whether a 6 certificate of appealability should issue. A petitioner seeking a writ of habeas corpus has no 7 absolute entitlement to appeal a district court's denial of his petition, and an appeal is allowed 8 only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If a court 9 denies a habeas petition on the merits, the court may only issue a certificate of appealability "if jurists 10 of reason could disagree with the district court's resolution of [the petitioner's] constitutional claims 11 or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed 12 further." *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the 13 petitioner is not required to prove the merits of his case, he must demonstrate "something more than 14 the absence of frivolity or the existence of mere good faith on his . . . part." *Miller-El*, 537 U.S. at 15 338. 16 In the present case, the Court finds that reasonable jurists would not find the Court's 17

determination that the petition should be denied debatable or wrong, or that the issues presented are 18 deserving of encouragement to proceed further. Petitioner has not made the required substantial 19 showing of the denial of a constitutional right. Therefore, the Court declines to issue a certificate of 20 appealability. 21 / / / 22 / / / 23 / / / 24 / / / 25 / / / 26 / / / 27 / / / 28 / / / 1
Accordingly, 2 1. The findings and recommendations issued on October 31, 2024, Doc. 17, are 3 adopted in full; 4 2. The petition for writ of habeas corpus is denied with prejudice; 5 3. The Clerk of Court is directed to enter judgment and close the case; and 6 4. The Court declines to issue a certificate of appealability. 4 8

g | SO ORDERED. _

10 Dated: _ May 14, 2025 4h .

UNITED STATES DISTRICT JUDGE

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