

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

David Lee Lucas v. Placer County Superior Court, et al.

No. 2:24-cv-01336-DC-AC (HC), United States District Court for the Eastern District of California (January 5,
2026)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 DAVID LEE LUCAS, No. 2:24-cv-01336-DC-AC (HC) 12 Petitioner, 13 v.
ORDER ADOPTING FINDINGS AND RECOMMENDATIONS 14 PLACER COUNTY
SUPERIOR COURT, et al., (Doc. No. 8) 15 Respondent. 16 17 Petitioner David Lee Lucas, a civil
detainee proceeding pro se, filed an application for a 18 writ of habeas corpus challenging his
commitment under the Sexually Violent Predator Act.

The 19 matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and 20 Local Rule 302. 21 On December 20, 2024, the magistrate judge filed findings and
recommendations herein, 22 which were served on Petitioner and contained notice to Petitioner
that any objections to the 23 findings and recommendations were to be filed within twenty-one
days.

(Doc. No. 8.) On January 24 31, 2025, Petitioner filed untimely objections to the findings and
recommendations. (Doc. No. 9.) 25 The court reviewed Petitioner’s objections and finds they do
not provide a basis upon which to 26 reject the findings and recommendations. 27 In accordance
with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this 28 court has conducted a
de novo review of this case.

Having carefully reviewed the entire file, the 1 | court finds the findings and recommendations to
be supported by the record and by proper 2 | analysis. 3 Having concluded that the pending
petition must be dismissed, the court also declines to 4 | issue certificate of appealability. A
petitioner seeking writ of habeas corpus has no absolute 5 | right to appeal; he may appeal only in
limited circumstances.

See 28 U.S.C. § 2253; *Miller-El v. 6 | Cockrell*, 537 U.S. 322, 335-36 (2003). If a court denies a
petitioner's petition, the court may only 7 | issue a certificate of appealability when a petitioner
makes a substantial showing of the denial of 8 | a constitutional right. 28 U.S.C. § 2253(c)(2).
Where, as here, the court denies habeas relief on 9 | procedural grounds without reaching the
underlying constitutional claims, the court should issue a 10 | certificate of appealability if “jurists
of reason would find it debatable whether the petition states 11 | valid claim of the denial of a

constitutional right and that jurists of reason would find it 12 | debatable whether the district court was correct in its procedural ruling.” Slack v. McDaniel, 529 13 | U.S. 473, 484 (2000).

In the present case, the court finds that reasonable jurists would not find the 14 | court's determination that the pending petition must be dismissed to be debatable or wrong. Thus, 15 | the court declines to issue a certificate of appealability. 16 Accordingly, IT IS HEREBY ORDERED that: 17 1.

The findings and recommendations filed on December 20, 2024 (Doc. No. 8) are 18 ADOPTED IN FULL; 19 2. Petitioner's application for a writ of a habeas corpus (Doc. No. 1) is DISMISSED; 20 3. The court declines to issue a certificate of appealability; and 21 4.

The Clerk of the Court is directed to close this case. 22 IT IS SO ORDERED. Dated: _ January 4, 2026 IVs Os 24 Dena Coggins United States District Judge 25 26 27 28