

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Poslof v. Attchley

No. 1:21-cv-00339-JLT-HBK (HC) (E.D. Cal. June 18, 2025) · No. 1:21-cv-0339 JLT HBK (HC) · Decided June 18, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Lonnie Lee Poslof, Jr.’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court also denied leave to amend, 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	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 18, 2025
DOCKET	1:21-cv-0339 JLT HBK (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254 from state convictions. After a magistrate judge recommended denial of the petition, petitioner filed nonspecific objections, notices of appeal, requests for a certificate of appealability, and a motion to amend. The district court conducted de novo review, adopted the findings and recommendations, denied habeas relief and leave to amend, declined to issue a certificate of appealability, and closed the case.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1) of the magistrate judge’s findings and recommendations. For the habeas claims, the court applied the deferential standards governing review under 28 U.S.C. § 2254. For a certificate of appealability, the court applied whether reasonable jurists could debate the resolution of the constitutional claims or whether the issues deserved encouragement to proceed further.
PRECEDENTIAL VALUE	unreported district-court order; precedential status unknown

PARTIES

Lonnie Lee Poslof, Jr. v. M. Attchley

TOPICS

federal habeas corpus

post-conviction relief

pleadings

appellate procedure

constitutional law

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

civil procedure

constitutional law

evidence

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted after petitioner filed general rather than specific objections.
2. Whether petitioner was entitled to federal habeas relief on his Confrontation Clause, due-process, and evidentiary claims.
3. Whether petitioner's restitution-related claims were cognizable in a § 2254 proceeding.
4. Whether petitioner demonstrated grounds for a certificate of appealability.
5. Whether petitioner should be granted leave to amend the habeas petition after filing a second petition more than four years after filing the traverse and after issuance of the recommendation to deny relief.

HOLDINGS

1. A general objection to a magistrate judge's findings and recommendations is insufficient and does not require the district court to reconsider the unchallenged findings.
2. Petitioner was not entitled to federal habeas relief because the state court's adjudication of Grounds One through Four was not contrary to or an unreasonable application of clearly established federal law and was not based on an unreasonable determination of the facts.
3. Claims concerning restitution were not cognizable under § 2254 because they did not affect the duration of petitioner's confinement.
4. A certificate of appealability was properly denied because reasonable jurists would not find the denial of the petition debatable or wrong, and petitioner did not make a substantial showing of the denial of a constitutional right.
5. Leave to amend was denied because petitioner showed no good cause for seeking amendment more than four years after filing the traverse and only after the magistrate judge recommended denial.

KEY QUOTATIONS

“Thus, Petitioner’s general objection to the findings of the magistrate judge is insufficient.” (at 2)

“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 4)

FACTUAL BACKGROUND

Poslof, a California state prisoner, challenged convictions arising from proceedings in Merced County Superior Court. His federal petition asserted Confrontation Clause and due-process violations, evidentiary errors involving statements by a child victim and an alleged plot to commit arson and murder witnesses, and claims concerning restitution and his absence from the restitution hearing. The magistrate judge recommended denial, finding the constitutional and evidentiary claims failed under § 2254 and that the restitution-related claims were not cognizable because they did not affect the duration of confinement.

PROCEDURAL HISTORY

Poslof challenged convictions entered by the Merced County Superior Court. The magistrate judge concluded that the state court's adjudication of the constitutional and evidentiary claims was not contrary to or an unreasonable application of clearly established federal law and that the restitution-related claims were not cognizable on habeas review. Poslof's appeals from the nonfinal findings and recommendations were dismissed by the Ninth Circuit for lack of jurisdiction. The district court then overruled or rejected the nonspecific objections, adopted the recommendations in full, denied the petition and motion to amend, and declined to issue a certificate of appealability.

DISPOSITION

other

CASES CITED

- Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991)
- Lockert v. Faulkner, 843 F.2d 1015, 1019 (7th Cir. 1988)
- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36, 338 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Woods v. Carey, 525 F.3d 886, 890 (9th Cir. 2008)
- Burton v. Stewart, 549 U.S. 147, 157 (2007)