

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bradley v. Price

Bradley v. Price · No. 1:23-cv-0573-KES-CDB (HC) · Decided August 28, 2025

OPINION

(HC) Bradley v. Price

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 STEVEN BRADLEY, Case No. 1:23-cv-0573-KES-CDB (HC) 12 Petitioner, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS, DISMISSING

13 v. PETITION FOR WRIT OF HABEAS

CORPUS WITHOUT PREJUDICE FOR

14 BRANDON PRICE, PETITIONER’S FAILURE TO PROSECUTE

AND FAILURE TO OBEY COURT ORDERS

15 Respondent. Doc. 6 16 17 Steven Bradley is a state prisoner proceeding pro se and in forma
pauperis with a petition 18 for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The
matter was referred to a 19 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B)
and Local Rule 302. 20 On June 27, 2025, following a preliminary screening of the petition, the
assigned 21 magistrate judge ordered petitioner to file an amended petition to remedy certain
identified 22 deficiencies. Doc. 4. When petitioner failed to timely comply with the Court’s
screening order or 23 make any other filing by the deadline, the assigned magistrate judge issued
findings and 24 recommendations, recommending dismissal without prejudice for petitioner’s
failure to obey a 25 court order and failure to prosecute this action. Doc. 6. Those findings and
recommendations 26 were served upon petitioner and contained notice that any objections were to
be filed within 27 fourteen (14) days after service. Petitioner did not file objections and the time to
do so has 1 | passed. 2 In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has
conducted a de 3 | novo review of the case. Having carefully reviewed the file, the Court
concludes that the findings 4 | and recommendations are supported by the record and proper
analysis. 5 The Court next turns to whether a certificate of appealability should issue. Generally, a
6 || certificate of appealability may be issued under 28 U.S.C. § 2253 “only if the applicant has
made 7 | substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).
Where, as 8 | here, the petition is dismissed on procedural grounds, a certificate of appealability

“should issue 9 | only if the prisoner can show: (1) ‘that jurists of reason would find it debatable whether the 10 | district court was correct in its procedural ruling’; and (2) ‘that jurists of reason would find it 11 | debatable whether the petition states a valid claim of the denial of a constitutional rights.’” Rosas 12 | v. Nielsen, 428 F.3d 1229, 1233 (9th Cir. 2005) (quoting Slack v. McDaniel, 529 U.S. 473, 484 13 | (2000)). A certificate of appealability is appropriate only where both inquires are satisfied. 14 | Murray v. Schriro, 745 F.3d 984, 1002 (9th Cir. 2014). Here, petitioner has not made any 15 || showing that jurists of reason would find it debatable that the Court is correct in its procedural 16 | ruling. Accordingly, the Court declines to issue a certificate of appealability. 17 Based upon the foregoing, the Court ORDERS: 18 1. The findings and recommendations issued on August 6, 2025, Doc. 6, are 19 ADOPTED in full. 20 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT 21 PREJUDICE for failure to prosecute and to obey court orders. 22 3. The Clerk of the Court is directed to close the case. 23 4. The Court declines to issue a certificate of appealability. 24 25
26 | IT IS SO ORDERED. _
27 Dated: _ August 28, 2025 4h
38 UNITED STATES DISTRICT JUDGE