

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Aroz v. Covello

Aroz · No. 2:21-cv-1934 DJC CSK P · Decided May 6, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the Magistrate Judge's findings and recommendations and denied Alex Aroz's application for a writ of habeas corpus under 28 U.S.C. § 2254. The court declined to consider a new claim raised in the traverse, denied a certificate of appealability, and directed the Clerk to close the case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 ALEX AROZ, No. 2:21-cv-1934 DJC CSK P 12 Petitioner, 13 v. ORDER
14 PATRICK COVELLO, 15 Respondent. 16 17 Petitioner, a state prisoner proceeding pro se,
filed an application for a writ of 18 habeas corpus pursuant to 28 U.S.C. § 2254.

The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)
(B) and Local Rule 302. 20 On August 13, 2024, the Magistrate Judge filed findings and
recommendations 21 herein which were served on all parties, and which contained notice to all
parties that 22 any objections to the findings and recommendations were to be filed within
fourteen 23 days.

Neither party filed objections to the findings and recommendations. 24 The Court presumes that
any findings of fact are correct. See *Orand v. United* 25 *States*, 602 F.2d 207, 208 (9th Cir. 1979).
The Magistrate Judge's conclusions of law 26 are reviewed de novo. See *Britt v. Simi Valley*
Unified School Dist., 708 F.2d 452, 454 27 (9th Cir. 1983).

The Court has reviewed the file and finds the findings and 28 recommendations to be supported
by the record and by the Magistrate Judge's 1 || analysis. 2 Accordingly, IT IS HEREBY
ORDERED that: 3 1. The findings and recommendations (ECF No. 42) are adopted in full; 4 2.
Petitioner's application for a writ of habeas corpus is denied, and the Court 5 || declines to consider
the new claim raised in the traverse; 6 3.

The Court declines to issue the certificate of appealability referenced in 28 7 || U.S.C. § 2253 as
Petitioner has not made substantial showing of the denial of a 8 | constitutional right. See 28
U.S.C. § 2253; and 9 4.

The Clerk of the Court is directed to close this case. 10 11 | Dated: May 5, 2025 “Dane J brat 12
THE HONOR E DANIEL J. CALABRETTA UNITED STATES DISTRICT JUDGE 13 14 15
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