

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.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	May 6, 2025
DOCKET	2:21-cv-1934 DJC CSK P
DISPOSITION	denied
PROCEDURAL POSTURE	State prisoner petitioner sought habeas relief under 28 U.S.C. § 2254. The district court adopted the magistrate judge's findings and recommendations, denied the petition, declined to consider a new claim raised in the traverse, declined to issue a certificate of appealability, and closed the case.
STANDARD OF REVIEW	Factual findings are presumed correct; legal conclusions are reviewed de novo.
PRECEDENTIAL VALUE	Unknown
PARTIES	Alex Aroz v. Patrick Covello

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure
- due process

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure
- constitutional law

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when neither party filed objections.
2. Whether petitioner was entitled to habeas relief under 28 U.S.C. § 2254.
3. Whether the court should consider a new claim raised for the first time in the traverse.
4. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after reviewing the record and finding them supported by the record and the magistrate judge's analysis.
2. Petitioner's application for a writ of habeas corpus was denied.
3. The court declined to consider the new claim raised in the traverse.
4. The court declined to issue a certificate of appealability because petitioner had not made a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Petitioner's application for a writ of habeas corpus is denied, and the Court declines to consider the new claim raised in the traverse;” (1)

“The Court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253 as Petitioner has not made substantial showing of the denial of a constitutional right.” (1)

FACTUAL BACKGROUND

Petitioner Alex Aroz was a state prisoner proceeding pro se and filed an application for habeas corpus relief under 28 U.S.C. § 2254. The district court reviewed a magistrate judge's findings and recommendations after neither party filed objections. The court found the recommendations supported by the record and analysis, denied the petition, and declined to consider a new claim raised in the traverse.

PROCEDURAL HISTORY

Aroz filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a magistrate judge, who issued findings and recommendations on August 13, 2024. Neither party objected, and the district court adopted the findings and recommendations in full, denied habeas relief, declined to consider the new traverse claim, denied a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

denied

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)

- **Britt v. Simi Valley Unified School Dist.**, 708 F.2d 452, 454 (9th Cir. 1983)

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