

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mejia v. Allen

Mejia · No. 1:23-cv-01730-KES-CDB (HC) · Decided August 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge's findings and recommendations and dismissed Geronimo Mejia's 28 U.S.C. § 2254 habeas petition without prejudice. The dismissal was based on Mejia's failure to prosecute and failure to comply with the court's order requiring an amended petition. The court declined to issue 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 EASTERN DISTRICT OF
CALIFORNIA 10 11 GERONIMO MEJIA, Case No. 1:23-cv-01730-KES-CDB (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING 13 v.
PETITION FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE FOR 14 TRENT
ALLEN, PETITIONER'S FAILURE TO PROSECUTE AND FAILURE TO OBEY COURT
ORDERS 15 Respondent.

Doc. 17 16 17 Geronimo Mejia 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 24, 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. 15. When petitioner failed to timely comply with the Court's screening order 23 or make any
other filing by the deadline, the magistrate judge issued findings and 24 recommendations,
recommending dismissal without prejudice for petitioner's failure to obey 25 court orders and
failure to prosecute this action. Doc. 17. Those findings and recommendations 26 were served
upon petitioner and contained notice that any objections thereto were to be filed 27 within
fourteen (14) days after service.

Petitioner did not file objections and the time to do so has 1 expired.1 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 a 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 a showing 15 that jurists of reason would find it debatable whether the petition should be dismissed on 16 procedural grounds.

Accordingly, the Court declines to issue a certificate of appealability. 17 /// 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 1 On August 21, 2025, the U.S. Postal Service returned the Court’s mail as “Undeliverable, 25 Return to Sender, Refused, Unable to Forward, Inactive, No Longer at Salinas Valley State Prison.” The California Incarcerated Records and Information Search (CIRIS) tool produced no 26 results using Petitioner’s first and last name and CDCR Number, indicating Petitioner no longer is in the custody of the California Department of Corrections and Rehabilitation (CDCR).

See 27 <https://ciris.mt.cdcr.ca.gov/results?lastName=mejia&firstName=geronimo> & <https://ciris.mt.cdcr.ca.gov/results?cdcrNumber=BR5345> (last visited August 27, 2025). 1 Based upon the foregoing, the Court ORDERS: 2 1.

The findings and recommendations issued on August 6, 2025, Doc. 17, are 3 ADOPTED in full. 4 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED WITHOUT 5 PREJUDICE for failure to prosecute and to obey court orders. 6 3.

The Clerk of the Court is directed to close the case. 7 4. The Court declines to issue a certificate of appealability. 8 9 19 | IT IS SO ORDERED. _ 11 Dated: _ August 28, 2025 4h UNITED STATES DISTRICT JUDGE 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28