

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

OPINION

(HC) Mejia v. Allen

PER CURIAM.

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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

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