

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Victor Manuel Quintero v. Tristan Lemon

Quintero v. Lemon · No. 1:22-cv-01568 JLT SAB (HC) · Decided February 25, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Victor Manuel Quintero’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court declined to issue 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
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 25, 2025
DOCKET	1:22-cv-01568 JLT SAB (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	A state prisoner petitioned for a writ of habeas corpus under 28 U.S.C. § 2254. After the magistrate judge issued findings and recommendations recommending denial, the district court conducted de novo review, adopted the findings and recommendations, denied the petition, declined to issue a certificate of appealability, and ordered the case closed.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's findings and recommendations de novo under 28 U.S.C. § 636(b)(1). For a certificate of appealability after a merits denial of habeas relief, the petitioner must make a substantial showing of the denial of a constitutional right by demonstrating that reasonable jurists could debate the resolution of the constitutional claims or conclude that the issues deserve encouragement to proceed further.
PRECEDENTIAL VALUE	unpublished district-court order; nonprecedential
PARTIES	Victor Manuel Quintero v. Tristan Lemon

TOPICS

federal habeas corpus

post-conviction relief

appellate procedure

standard of review

civil procedure

PRACTICE AREAS

federal habeas corpus

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appellate procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations denying Quintero's § 2254 petition should be adopted after de novo review.
2. Whether Quintero made the substantial showing of the denial of a constitutional right necessary for issuance of a certificate of appealability.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full and denied Quintero's petition for a writ of habeas corpus.
2. The court declined to issue a certificate of appealability because reasonable jurists would not find the denial of the petition debatable or wrong and Quintero had not made the required substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“The Court finds reasonable jurists would not find the determination that the petition should be denied debatable or wrong, or that the issues presented are deserving of encouragement to proceed further.” (at 2)

FACTUAL BACKGROUND

Quintero is a state prisoner who challenged his state-court custody through a § 2254 petition. His five habeas grounds concerned the sufficiency of the evidence and alleged prosecutorial misconduct. The district court determined that the magistrate judge's recommendation denying relief was supported by the record and proper analysis.

PROCEDURAL HISTORY

Quintero filed a § 2254 petition asserting five grounds concerning sufficiency of the evidence and prosecutorial misconduct. The magistrate judge recommended denial of habeas relief. Quintero did not timely object after receiving an extension, and an attempted appeal to the Ninth Circuit was dismissed for lack of jurisdiction. Following issuance of the Ninth Circuit's mandate, the district court conducted de novo review, adopted the findings and recommendations in full, denied the petition, declined to issue a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36, 338 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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