

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Ruben Adrian Cortes, Jr. v. Stephen Smith

Cortes v. Smith · No. 2:23-cv-09999-CV-SSC · Decided July 14, 2025

SUMMARY

The United States District Court for the Central District of California accepted the magistrate judge’s findings, conclusions, and recommendations after conducting de novo review of the petitioner’s objections. The court denied the petition, dismissed the action with prejudice, and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Cynthia Valenzuela
JURISDICTION	United States District Court for the Central District of California
DECIDED	July 14, 2025
DOCKET	2:23-cv-09999-CV-SSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a habeas petition, the magistrate judge's Report and Recommendation, and the petitioner's objections, conducting de novo review of the portions to which objections were made.
STANDARD OF REVIEW	De novo review of those portions of the magistrate judge's Report and Recommendation to which objections were made.
PRECEDENTIAL VALUE	Unpublished district court order
PARTIES	Ruben Adrian Cortes, Jr. v. Stephen Smith, Acting United States Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's findings, conclusions, and recommendations after reviewing the petitioner's objections.
2. Whether the habeas petition should be denied and the action dismissed with prejudice.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. The district court accepted the findings and conclusions of the magistrate judge after conducting de novo review of the portions to which the petitioner objected.
2. The petition was denied and the action was dismissed with prejudice.
3. A certificate of appealability will not issue because the petitioner did not make the required showing that the district court erred in its procedural ruling.

KEY QUOTATIONS

“IT IS ORDERED that judgment be entered denying the petition and dismissing this action with prejudice.”
(1)

“Further, the Court finds that Petitioner has not made a substantial showing that the court erred in its procedural ruling and, therefore, a certificate of appealability will not issue in this action.” (1)

FACTUAL BACKGROUND

The opinion concerns a petition for a writ of habeas corpus filed by Ruben Adrian Cortes, Jr. against Stephen Smith, the acting United States Warden. The district court reviewed the petition, the record, the magistrate judge's Report and Recommendation, and Cortes's objections. The order does not provide additional facts concerning the underlying conviction or habeas claims.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge, who issued findings, conclusions, and recommendations. After reviewing the petitioner's objections and conducting de novo review, the district court accepted the magistrate judge's findings and conclusions, denied the petition, dismissed the action with prejudice, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 336 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 CENTRAL DISTRICT OF CALIFORNIA 8
9 10 RUBEN ADRIAN CORTES, JR., Case No. 2:23-cv-09999-CV-SSC 11 Petitioner, ORDER
ACCEPTING 12 v. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF 13
STEPHEN SMITH, Acting UNITED STATES 14 Warden, MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF 15 Respondent. APPEALABILITY 16 17 Pursuant to 28 U.S.C. §
636 the Court has reviewed the Petition, 18 all of the records herein, the Report and
Recommendation of United 19 States Magistrate Judge, and Petitioner's objections to the Report
and 20 Recommendation.

The Court has engaged in a de novo review of those 21 portions of the Report and
Recommendation to which Petitioner has 22 objected. The Court accepts the findings and
conclusions of the 23 Magistrate Judge in the Report and Recommendation. 24 IT IS ORDERED
that judgment be entered denying the petition 25 and dismissing this action with prejudice. 26
Further, the Court finds that Petitioner has not made a 27 1 | court erred in its procedural ruling
and, therefore, a certificate of 2 | appealability will not issue in this action.

See 28 U.S.C. § 22538(c)(2); 3 | Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336
(2003); 4 | Slack v. McDaniel, 529 U.S. 473, 484 (2000). 5 6 | DATED: 7/14/25 yeath la
Valenzuela 7 NORABLE CYNTHIA VALENZUELA UNITED STATES DISTRICT JUDGE 10
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28