

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Castillo v. Macomber

Castillo · No. No. 1:24-cv-01586-KES-SAB (HC) · Decided July 28, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and dismissed Manuel Anthony Castillo’s 28 U.S.C. § 2254 habeas petition without prejudice for failure to exhaust state judicial remedies. The court directed the clerk to close the case and declined to issue a certificate of appealability.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MANUEL ANTHONY CASTILLO, No. 1:24-cv-01586-KES-SAB (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING 13 v.
PETITION FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE, 14 JEFF
MACOMBER, DIRECTING CLERK OF COURT TO CLOSE CASE, AND DECLINING TO
ISSUE A 15 Respondent.

CERTIFICATE OF APPEALABILITY 16 Doc. 9 17 18 Petitioner Manuel Anthony Castillo is a
state prisoner proceeding pro se with a petition 19 for writ of habeas corpus pursuant to 28 U.S.C.
§ 2254. This matter was referred to a United 20 States Magistrate Judge pursuant to 28 U.S.C. §
636(b)(1)(B) and Local Rule 302. 21 On May 15, 2025, the assigned magistrate judge issued
findings and recommendations 22 that recommended dismissing the petition without prejudice for
failure to exhaust state judicial 23 remedies.

Doc. 9. The findings and recommendations were served on petitioner and contained 24 notice that
any objections thereto were to be filed within thirty days after service. To date, no 25 objections
have been filed, and the time for doing so has passed. 26 In accordance with the provisions of 28
U.S.C. § 636(b)(1), the Court has conducted a de 27 novo review of the case.

Having carefully reviewed the file, the Court finds the findings and 28 recommendations to be
supported by the record and proper analysis. 1 Having found that petitioner is not entitled to
habeas relief, the Court now turns to 2 | whether a certificate of appealability should issue. A
petitioner seeking a writ of habeas corpus 3 | has no absolute entitlement to appeal a district
court’s denial of his petition, and an appeal is 4 | allowed only in certain circumstances.

Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003); 28 5 | U.S.C. § 2253. Where, as here, the Court denies habeas relief on procedural grounds without 6 | reaching the underlying constitutional claims, the Court should issue a certificate of appealability 7 | “ifjurists of reason would find it debatable whether the petition states a valid claim of the denial 8 | of a constitutional right and that jurists of reason would find it debatable whether the district court 9 | was correct in its procedural ruling.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). “Where a 10 | plain procedural bar is present and the district court is correct to invoke it to dispose of the case, a 11 | reasonable jurist could not conclude either that the district court erred in dismissing the petition or 12 | that the petitioner should be allowed to proceed further.” *Jd.*

13 In the present case, the Court finds that reasonable jurists would not find the Court’s 14 | determination that the petition should be dismissed debatable or wrong, or that petitioner should 15 | be allowed to proceed further.

Therefore, the Court declines to issue a certificate of appealability. 16 Accordingly: 17 1. The findings and recommendations issued on May 15, 2025, Doc. 9, are ADOPTED in 18 full; 19 2. The petition for writ of habeas corpus is DISMISSED without prejudice; 20 3.

The Clerk of Court is directed to close the case; and 21 4. The Court declines to issue a certificate of appealability. 22 23 94 | ☐☐ ☐☐ SO ORDERED. _ 25 Dated: _ July 26, 2025 4h UNITED STATES DISTRICT JUDGE 27 28