

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

OPINION

(HC) Castillo v. Macomber

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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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 | “if jurists 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

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