

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Errol Joseph Scorza, IV v. Office of the Attorney General for the
State of California, et al.

Scorza · No. 2:24-cv-11221-PA-SSC · Decided June 2, 2025

SUMMARY

The United States District Court for the Central District of California accepted the magistrate judge's findings, conclusions, and recommendations without objections. The court ordered judgment dismissing the action without prejudice to refiling if authorized by the Ninth Circuit and denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Percy Anderson
JURISDICTION	United States District Court for the Central District of California
DECIDED	June 2, 2025
DOCKET	2:24-cv-11221-PA-SSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a habeas petition and a magistrate judge's Report and Recommendation under 28 U.S.C. § 636. No objections were filed.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- constitutional law

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

- Whether the district court should accept the magistrate judge's Report and Recommendation after reviewing the petition and record and receiving no objections.

2. Whether the action should be dismissed without prejudice to refiling if authorized by the Ninth Circuit.
3. Whether Petitioner made the substantial showing of the denial of a constitutional right required for a certificate of appealability.

HOLDINGS

1. The district court accepted the findings and conclusions of the magistrate judge's Report and Recommendation after reviewing the petition, the record, and the absence of objections.
2. The action was dismissed without prejudice to refiling if authorized by the Ninth Circuit.
3. A certificate of appealability was denied because Petitioner had not made a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“IT IS ORDERED that judgment be entered dismissing this action without prejudice to refiling if authorized by the Ninth Circuit.” (1)

“Further, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right or that the appealability will not issue in this action.” (1)

FACTUAL BACKGROUND

The order contains no substantive factual findings concerning the underlying habeas claims. The court reviewed the petition, the record, and the magistrate judge's Report and Recommendation, to which no objections were filed.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation concerning Petitioner's action. After reviewing the petition, the record, and the Report and Recommendation, and noting that no objections were filed, the district court accepted the magistrate judge's findings and conclusions, directed entry of judgment dismissing the action without prejudice to refiling if authorized by the Ninth Circuit, 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 ERROL JOSEPH SCORZA, IV, Case No. 2:24-cv-11221-PA-SSC 11 Petitioner, ORDER

ACCEPTING 12 v. FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF 13 OFFICE
OF THE ATTORNEY UNITED STATES 14 GENERAL FOR THE STATE OF MAGISTRATE
JUDGE AND DENYING CERTIFICATE OF 15 CALIFORNIA, et al., APPEALABILITY 16
Respondents.

17 18 Pursuant to 28 U.S.C. § 636 the Court has reviewed the petition, 19 all of the records herein,
and the Report and Recommendation of United 20 States Magistrate Judge to which no objections
were filed. The Court 21 accepts the findings and conclusions of the Magistrate Judge in the 22
Report and Recommendation. 23 IT IS ORDERED that judgment be entered dismissing this action
24 without prejudice to refiling if authorized by the Ninth Circuit.

25 Further, the Court finds that Petitioner has not made a 26 substantial showing of the denial of a
constitutional right or that the 27 1 | appealability will not issue in this action. See 28 U.S.C. §
2253(c)(2); 2 | Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336 (2008); 3 | Slack v.
McDaniel, 529 U.S. 473, 484 (2000). ht C4 5 | DATED: June 2, 2025 6 PERCY ANDERSON
UNITED STATES DISTRICT JUDGE 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
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