

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Rivera-Jimenez v. Warden, FCI Mendota

Rivera-Jimenez · No. 1:24-cv-01535 JLT SKO (HC) · Decided March 18, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a federal prisoner’s 28 U.S.C. § 2241 petition concerning a prison disciplinary proceeding. The court dismissed the petition with prejudice because it failed to state a claim for habeas relief, directed the Clerk to enter judgment and close the case, and determined that no certificate of appealability is required.

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	March 18, 2025
DOCKET	1:24-cv-01535 JLT SKO (HC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal prisoner petition for a writ of habeas corpus under 28 U.S.C. § 2241; the magistrate judge recommended dismissal with prejudice, and the district court reviewed and adopted the findings and recommendations.
STANDARD OF REVIEW	De novo review of the findings and recommendations under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Isaac Rivera-Jimenez v. Warden, FCI Mendota

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 magistrate judge's findings and recommendations recommending dismissal of the § 2241 petition with prejudice should be adopted after de novo review.
2. Whether a certificate of appealability is required for an appeal from an order denying a § 2241 petition concerning federal custody.

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis and were adopted in full; the § 2241 petition was dismissed with prejudice.
2. A certificate of appealability is not required because the order denies a petition under § 2241 rather than a final habeas order involving detention arising from process issued by a state court.

KEY QUOTATIONS

“failure to file objections within the specified time may result in the waiver of rights on appeal.” (at 1)

“The petition for writ of habeas corpus is *DISMISSED* with prejudice.” (at 2)

FACTUAL BACKGROUND

Isaac Rivera-Jimenez is a federal prisoner proceeding pro se and in forma pauperis. He filed a petition under 28 U.S.C. § 2241 related to a rules violation report and disciplinary proceeding. The magistrate judge determined on preliminary review that the petition failed to state a claim for habeas relief, and Rivera-Jimenez did not object to that recommendation.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition concerning a rules violation report and disciplinary proceeding. After preliminary review, the magistrate judge found that the petition failed to state a claim for habeas relief and recommended dismissal with prejudice. Petitioner was served with the findings and recommendations and given 21 days to object but filed no objections. The district court conducted de novo review under 28 U.S.C. § 636(b)(1)(C), adopted the findings and recommendations in full, dismissed the petition with prejudice, and directed the clerk to enter judgment and close the case.

DISPOSITION

dismissed

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Forde v. U.S. Parole Commission, 114 F.3d 878 (9th Cir. 1997)
- Ojo v. INS, 106 F.3d 680, 681-682 (5th Cir. 1997)
- Bradshaw v. Story, 86 F.3d 164, 166 (10th Cir. 1996)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ISAAC RIVERA-JIMENEZ, Case No. 1:24-cv-01535 JLT SKO (HC) 12
Petitioner, ORDER ADOPTING FINDINGS AND RECOMMENDATIONS, DISMISSING 13
PETITION FOR WRIT OF HABEAS v. CORPUS, AND DIRECTING THE CLERK 14 OF
COURT TO ENTER JUDGMENT AND CLOSE THIS CASE 15 WARDEN, FCI MENDOTA,
(Doc. 9) 16 Respondent.

NO CERTIFICATE OF APPEALABILITY IS REQUIRED 17 18 Isaac Rivera-Jimenez is a
federal prisoner proceeding pro se and in forma pauperis with a 19 petition for writ of habeas
corpus pursuant to 28 U.S.C. § 2241 related to a rules violation report 20 and disciplinary
proceeding. (See generally Doc. 7.)

The magistrate judge performed a 21 preliminary review of the petition and found Petitioner failed
to state a claim for habeas relief. 22 (Doc. 9 at 1-4.) Therefore, the magistrate judge recommended
the Court dismiss the petition with 23 prejudice. (Id. at 1, 4.) 24 The Court served the Findings and
Recommendations on Petitioner and notified him that 25 any objections were due within 21 days.

(Doc. 9 at 4.) The Court advised him that the “failure to 26 file objections within the specified
time may result in the waiver of rights on appeal.” (Id. at 5, 27 citing *Wilkerson v. Wheeler*, 772
F.3d 834, 838-39 (9th Cir. 2014).) Petitioner did not file 28 objections, and the time to do so has
passed. 1 According to 28 U.S.C. § 636(b)(1)(C), this Court performed a de novo review of this 2 |
case.

Having carefully reviewed the matter, the Court concludes the Findings and 3 || Recommendations
are supported by the record and proper analysis. In the event a notice of 4 | appeal is filed, a
certificate of appealability will not be required, because this is an order denying 5 | a petition
pursuant to 28 U.S.C. § 2241, not a final order in a habeas proceeding in which the 6 | detention
complained of arises out of process issued by a state court.

Forde v. U.S. Parole 7 | Commission, 114 F.3d 878 (9th Cir. 1997); see *Ojo v. INS*, 106 F.3d 680,
681-682 (Sth Cir. 8 | 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996). Thus, the Court
ORDERS: 9 1. The Findings and Recommendations issued on February 13, 2025 (Doc. 9) are 10
ADOPTED in full. 11 2.

The petition for writ of habeas corpus is DISMISSED with prejudice. 12 3. The Clerk of Court is
directed to enter judgment and close the case. 13 4. In the event a notice of appeal is filed, a
certificate of appealability is not required. 14 This order terminates the action in its entirety. 15 16
IT IS SO ORDERED. 17 | Dated: _March 17, 2025 Charis [Tourn TED STATES DISTRICT
JUDGE 18 19 20 21 22 23 24 25 26 27 28

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