

**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

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