

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Roberto Saldana, Jr. v. M. E. Spearman

Saldana Jr. v. Spearman · No. 1:21-cv-01733-KES-HBK (HC) · Decided June 24, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations and denied Roberto Saldana, Jr.’s petition for a writ of habeas corpus under 28 U.S.C. § 2254. The court declined to issue a certificate of appealability and directed the clerk to close the case.

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	June 24, 2025
DOCKET	1:21-cv-01733-KES-HBK (HC)
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial, the district court conducted de novo review under 28 U.S.C. § 636(b)(1), adopted the findings and recommendations, denied the petition, and declined to issue a certificate of appealability.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1). For a certificate of appealability after a merits denial, the petitioner must make a substantial showing of the denial of a constitutional right, meaning that reasonable jurists could debate the district court's resolution or conclude that the issues deserve encouragement to proceed further.
PRECEDENTIAL VALUE	Unreported federal district-court order; precedential status is not established in the opinion.
PARTIES	Roberto Saldana, Jr. v. M. E. Spearman, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations recommending denial of the § 2254 petition should be adopted after de novo review.
2. Whether petitioner made the showing required for issuance of a certificate of appealability after denial of the habeas petition on the merits.

HOLDINGS

1. The findings and recommendations were supported by the record and proper analysis and were adopted in full; the § 2254 habeas petition was denied.
2. A certificate of appealability was denied because reasonable jurists would not find the denial of the petition debatable or wrong and petitioner did not make the required substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“The Court finds that reasonable jurists would not find the Court’s determination that the petition should be denied debatable or wrong, or that the issues presented are deserving of encouragement to proceed further.”
(at 2)

FACTUAL BACKGROUND

The opinion concerns a state prisoner who petitioned for a writ of habeas corpus under 28 U.S.C. § 2254. The district court reviewed the magistrate judge’s recommendation that the petition be denied as without merit. The opinion does not recite the underlying criminal facts or identify the specific constitutional claims in detail.

PROCEDURAL HISTORY

Saldana filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a magistrate judge, who issued findings and recommendations on April 23, 2025, recommending that the petition be denied as without merit and that no certificate of appealability issue. Saldana filed no objections, and the district court reviewed the matter de novo, adopted the findings and recommendations in full, denied the petition, declined to issue a certificate of appealability, and directed the clerk to close the case.

DISPOSITION

writ_denied

CASES CITED

- Miller-El v. Cockrell, 537 U.S. 322, 327, 335-36, 338 (2003)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

(HC) Saldana Jr. v. Spearman

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 ROBERTO SALDANA, JR.,) No.: 1:21-cv-01733-KES-HBK (HC)

) 12 Petitioner,) ORDER ADOPTING FINDINGS AND

) RECOMMENDATIONS, DENYING PETITION

13 v.) FOR WRIT OF HABEAS CORPUS,

) DIRECTING CLERK OF COURT TO CLOSE

14 M. E. SPEARMAN, Warden,) CASE, AND DECLINING TO ISSUE

) CERTIFICATE OF APPEALABILITY

15 Respondent.)) Docs. 1, 31 16) 17 Petitioner Roberto Saldana, Jr. is a state prisoner
proceeding pro se with a petition for writ 18 of habeas corpus pursuant to 28 U.S.C. § 2254. Doc.
9. The matter was referred to a United 19 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)
(1)(B) and Local Rule 302. 20 On April 23, 2025, the assigned magistrate judge issued findings
and recommendations 21 recommending that the petition for writ of habeas corpus be denied as
without merit, and that the 22 Court decline to issue a certificate of appealability. Doc. 31. Those
findings and 23 recommendations were served upon all parties and contained notice that any
objections thereto 24 were to be filed within fourteen (14) days after service. Petitioner has not
filed objections, and 25 the deadline to do so has expired. 26 In accordance with 28 U.S.C. §
636(b)(1), this Court performed a de novo review of this 27 case. Having carefully reviewed the
matter, the Court concludes the findings and 28 1 || recommendations are supported by the record
and proper analysis. 2 Having found that petitioner is not entitled to habeas relief, the Court turns
to whether a 3 | certificate of appealability should issue. A petitioner seeking a writ of habeas
corpus has no 4 | absolute entitlement to appeal, rather an appeal is allowed only in certain
circumstances. Miller- 5 | Elv. Cockrell, 537 U.S. 322, 335-36 (2003); 28 U.S.C. § 2253. If a Court
denies a habeas 6 | petition on the merits, the Court may issue a certificate of appealability only “if
jurists of reason 7 | could disagree with the district court’s resolution of [the petitioner’s]
constitutional claims or that 8 | jurists could conclude the issues presented are adequate to deserve
encouragement to proceed 9 | further.” Miller-El, 537 U.S. at 327; Slack v. McDaniel, 529 U.S.
473, 484 (2000). While the 10 | petitioner is not required to prove the merits of his case, he must
demonstrate “something more 11 | than the absence of frivolity or the existence of mere good faith
on his .. . part.” Miller-El, 537 12 | US. at 338. 13 The Court finds that reasonable jurists would
not find the Court’s determination that the 14 | petition should be denied debatable or wrong, or
that the issues presented are deserving of 15 || encouragement to proceed further. Petitioner has not

made the required substantial showing of 16 | the denial of a constitutional right. Therefore, the Court declines to issue a certificate of 17 || appealability. 18 Based upon the foregoing, the Court ORDERS: 19 1. The findings and recommendations issued on April 23, 2025, Doc. 31, are 20 ADOPTED in full. 21 2. The petition for writ of habeas corpus, Doc. 9, is DENIED. 22 3. The Court declines to issue a certificate of appealability. 23 4. The Clerk of the Court is directed to close the case. 24 25

26 | IT IS SO ORDERED. _

27 Dated: _ June 23, 2025 4h ||

38 UNITED STATES DISTRICT JUDGE

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