

APPENDIX

A

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HUNG DUONG NGUON,
Petitioner,
v.
JAMES S. HILL, Warden,
Respondent.

Case No. 2:24-cv-02297-PA (SK)

**ORDER ACCEPTING REPORT
AND RECOMMENDATION TO
GRANT RESPONDENT'S
MOTION TO DISMISS PETITION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the filed Report and Recommendation to grant Respondent's Motion to Dismiss Habeas Petition and any relevant records as needed. Because the time for objections has passed with none filed, the Court need not review de novo the findings and conclusions in the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 154 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

THEREFORE, the Court accepts the Report and Recommendation and orders that Respondent's motion to dismiss the first amended petition under 28 U.S.C. § 2254 be granted. Judgment will accordingly be entered dismissing this action with prejudice.

IT IS SO ORDERED.

DATED: March 31, 2025


PERCY ANDERSON
United States District Judge

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

HUNG DUONG NGUON,
Petitioner,
v.
JAMES S. HILL,
Respondent.

Case No. 2:24-cv-02297-PA (SK)

**ORDER DENYING CERTIFICATE
OF APPEALABILITY**

For the reasons stated in the Report and Recommendation to grant Respondent's Motion to Dismiss Habeas Petition, the Court finds that Petitioner has not made a substantial showing that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and whether the Court is correct in its procedural ruling. *See* 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

THEREFORE, a certificate of appealability is DENIED.

DATED: March 31, 2025


PERCY ANDERSON
United States District Judge

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 30 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

HUNG DUONG NGUON,

Petitioner - Appellant,

v.

JAMES S. HILL, Warden,

Respondent - Appellee.

No. 25-2784

D.C. No. 2:24-cv-02297-PA-SK
Central District of California,
Los Angeles

ORDER

Before: OWENS and DE ALBA, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 4) is denied because appellant has not shown that “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Any pending motions are denied as moot.

DENIED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

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Any pending motions are denied as moot.

DENIED.