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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILBERT JOSEPH BROWN, JR.,
Petitioner,
v.
S.A. HOLENCIK, Warden,
Respondent.

Case No. CV 10-4584-JFW (JEM)


ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. The time for filing Objections to the Report and Recommendation has expired, and no Objections have been filed. The Court accepts the findings and recommendations of the Magistrate Judge.

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1 **IT IS HEREBY ORDERED** that Judgment be entered denying the First Amended
2 Petition for Writ of Habeas Corpus and dismissing this action with prejudice.¹

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4 DATED: 10/28/14



JOHN F. WALTER
UNITED STATES DISTRICT JUDGE

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¹ Rule 11(a), Rules Governing Section 2254 Cases, requires that in habeas cases the “district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” However, such certificates are only required in cases concerning detention arising “out of process issued by a State court,” or in a proceeding under 28 U.S.C. § 2255 attacking a federal criminal judgment or sentence. 28 U.S.C. § 2253(c)(1). This case arises under 28 U.S.C. § 2241 and does not attack a State court detention. Accordingly, no ruling on a certificate of appealability is required.