

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

AUBREY MICHAEL PICKERING,	)	No. ED CV 12-01045-JVS (VBK)
	)	
Petitioner,	)	ORDER ACCEPTING FINDINGS AND
	)	RECOMMENDATIONS OF UNITED STATES
v.	)	MAGISTRATE JUDGE
	)	
McDONALD,	)	
	)	
Respondent.	)	
_____	)	

Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), the records and files herein, and the Report and Recommendation of the United States Magistrate Judge ("Report").

//  
//  
//  
//  
//  
//  
//  
//  
//

1           **IT IS ORDERED** that: (1) the Court accepts the findings and  
2 recommendations of the Magistrate Judge, and (2) the Court declines to  
3 issue a Certificate of Appealability ("COA").<sup>1</sup>

4 

5  
6 DATED: May 3, 2013

7 \_\_\_\_\_  
8 JAMES V. SELNA  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

20 \_\_\_\_\_  
21 <sup>1</sup> Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the  
22 applicant has made a substantial showing of the denial of a  
23 constitutional right." The Supreme Court has held that, to obtain a  
24 Certificate of Appealability under §2253(c), a habeas petitioner must  
25 show that "reasonable jurists could debate whether (or, for that  
26 matter, agree that) the petition should have been resolved in a  
27 different manner or that the issues presented were 'adequate to  
28 deserve encouragement to proceed further.'" Slack v. McDaniel, 529  
U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks  
omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.  
1029 (2003). After review of Petitioner's contentions herein, this  
Court concludes that Petitioner has not made a substantial showing of  
the denial of a constitutional right, as is required to support the  
issuance of a COA.