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7	UNITED STATES DISTRICT COURT
8	CENTRAL DISTRICT OF CALIFORNIA
9	WESTERN DIVISION
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11	JONATHAN PHONG KHANH TRAN,) No. SA CV 11-01244-PSG (VBK)
12	Petitioner,) ORDER ACCEPTING FINDINGS AND) RECOMMENDATIONS OF UNITED STATES
13	v.) MAGISTRATE JUDGE
14	MATTHEW CATE, et al.,
15	Respondents.)
16	/
17	Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition
18	for Writ of Habeas Corpus ("Petition"), the records and files herein,
19	and the Report and Recommendation of the United States Magistrate
20	Judge ("Report"). Further, the Court has engaged in <u>de novo</u> review of
21	those portions of the Report to which Petitioner has objected.
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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"). 1
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5	DATED: 8/2/13 PHILIP S. GUTIERREZ
6	PHILIP S. GUTIERREZ UNITED STATES DISTRICT JUDGE
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	¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
21	applicant has made a substantial showing of the denial of a
22	constitutional right." The Supreme Court has held that, to obtain a Certificate of Appealability under §2253(c), a habeas petitioner must
23	show that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a
24	different manner or that the issues presented were `adequate to deserve encouragement to proceed further'." <u>Slack v. McDaniel</u> , 529
25	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.
26	1029 (2003). After review of Petitioner's contentions herein, this
27	Court concludes that Petitioner has not made a substantial showing of the denial of a constitutional right, as is required to support the
28	issuance of a COA.