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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL CARDENAS,	1:09-cv-01793-LJO-MJS (HC)
Petitioner,	ORDER ADOPTING FINDINGS AND RECOMMENDATION
v.	[Doc. 19]
NEIL ADLER, Warden,	
Respondent.	

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

On July 13, 2011, the Magistrate Judge issued a Findings and Recommendation that Petitioner's petition for writ of habeas corpus be DENIED with prejudice. This Findings and Recommendation was served on all parties with notice that any objections were to be filed within fourteen (14) days of the date of service of the order. Petitioner did not object to the Findings and Recommendation.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis.

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1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The Findings and Recommendation issued July 13, 2011, is ADOPTED IN
3 FULL;
- 4 2. Respondent's Motion to Dismiss is GRANTED;
- 5 3. The Petition for Writ of Habeas Corpus is DISMISSED with prejudice; and
- 6 4. The Court DECLINES to issue a Certificate of Appealability. 28 U.S.C. §
7 2253(c); Slack v. McDaniel, 529 U.S. 473, 484 (2000) In order to obtain a
8 COA, petitioner must show: (1) that jurists of reason would find it debatable
9 whether the petition stated a valid claim of a denial of a constitutional right;
10 and (2) that jurists of reason would find it debatable whether the district court
11 was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. at 484. In
12 the present case, jurists of reason would not find debatable whether the
13 petition was properly denied with prejudice. Petitioner has not made the
14 required substantial showing of the denial of a constitutional right.

15 IT IS SO ORDERED.

16 **Dated:** August 23, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE