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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANTE CRAIG,

1:11-cv-02165-AWI-MJS (HC)

Petitioner,

ORDER ADOPTING FINDINGS AND
RECOMMENDATION AND DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS

v.

M.D. BITER,

(Doc. 11)

Respondent.

/

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On May 24, 2012, the Magistrate Judge issued a Findings and Recommendation that Respondent's Motion to Dismiss be GRANTED. This Findings and Recommendation was served on all parties with notice that any objections were to be filed within thirty (30) days of the date of service of the order. Neither party filed objections.

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. Accordingly, 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.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued May 24, 2012, is ADOPTED IN FULL; and

- 1 2. The Petition for Writ of Habeas Corpus is DISMISSED; and
2 3. The Clerk of Court is DIRECTED to enter judgment and close the case; and
3 4. The Court DECLINES to issue a Certificate of Appealability. 28 U.S.C. §
4 2253(c); Slack v. McDaniel, 529 U.S. 473, 484 (2000) In order to obtain a
5 COA, petitioner must show: (1) that jurists of reason would find it debatable
6 whether the petition stated a valid claim of a denial of a constitutional right;
7 and (2) that jurists of reason would find it debatable whether the district court
8 was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. at 484. In
9 the present case, jurists of reason would not find debatable whether the
10 petition was properly dismissed. Petitioner has not made the required
11 substantial showing of the denial of a constitutional right.

12 IT IS SO ORDERED.

13 Dated: July 21, 2012

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16 CHIEF UNITED STATES DISTRICT JUDGE
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