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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

No. CR S-06-0488-JAM-CMK
CIV S-08-0200-JAM-CMK

Respondent,

vs.

ORDER

RUBEN FERNANDEZ-RAMOS,

Movant.

_____ /

Movant, a federal prisoner proceeding pro se, brings this motion to correct or set aside a criminal judgment pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to Eastern District of California local rules.

On June 23, 2011, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that the parties may file objections within a specified time. No objections to the findings and recommendations have been filed.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

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1 Before a movant can appeal a decision from this court, a certificate of
2 appealability must issue under 28 U.S.C. § 2253(c). See Fed. R. App. P. 22(b); see also 28
3 U.S.C. § 2255. A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the
4 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.
5 § 2253(c)(2). The court must either issue a certificate of appealability indicating which issues
6 satisfy the required showing or must state the reasons why such a certificate should not issue.
7 See Fed. R. App. P. 22(b). For the reasons set forth in the magistrate judge’s findings and
8 recommendations, movant has not made a substantial showing of the denial of a constitutional
9 right

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed June 23, 2011, are adopted in
12 full;
- 13 2. Respondent’s motion to dismiss (Doc. 31 in the criminal docket) is
14 granted;
- 15 3. Movant’s motion pursuant to 28 U.S.C. § 2255 (Doc. 21 in the criminal
16 docket) is dismissed;
- 17 4. The court declines to issue a certificate of appealability; and
- 18 5. The Clerk of the Court is directed to close companion civil case no. CIV
19 S-08-0200-JAM.

20 DATED: September 28, 2011

21 /s/ John A. Mendez
22 UNITED STATES DISTRICT JUDGE
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