

1 After a complete and independent review of the issues presented, the Court finds itself
2 in agreement with the Report and Recommendation of the Magistrate Judge.

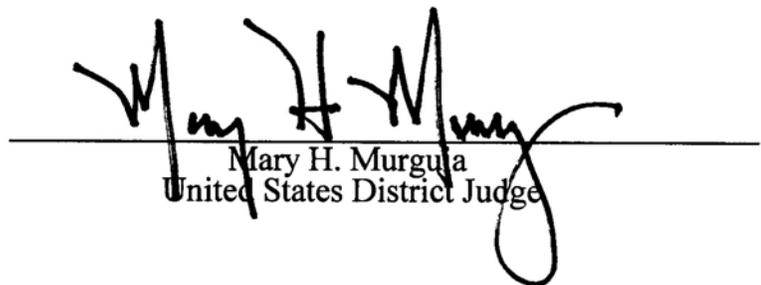
3 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
4 as the order of this Court (Doc. 5).

5 IT IS FURTHER ORDERED that Movant's Motion to Vacate, Set Aside, or Correct
6 Sentence is denied (Doc. 31).

7 IT IS FURTHER ORDERED that a Certificate of Appealability and leave to proceed
8 *in forma pauperis* on appeal is denied because dismissal of the Petition is justified by a plain
9 procedural bar and jurists of reason would not find the ruling debatable.

10 DATED this 28th day of December, 2010.

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Mary H. Murgula
United States District Judge