

1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*
2 *United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

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

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court.

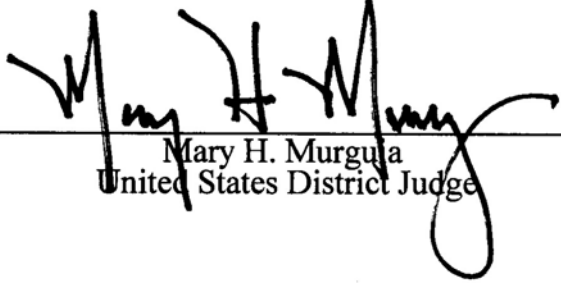
7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied
8 and dismissed with prejudice.

9 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

10 IT IS FURTHER ORDERED denying Petitioner's Certificate of Appealability and
11 Leave to Proceed In Forma Pauperis, as Petitioner has not made a substantial showing of the
12 denial of a constitutional right.

13 DATED this 27th day of January, 2010.

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Mary H. Murgula
United States District Judge