

1 The Court finds itself in agreement with the Report and Recommendation of the
2 Magistrate Judge.

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

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

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

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

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DATED this 4th day of June, 2012.



Susan R. Bolton
United States District Judge