

1 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-
2 taken. The Court will accept the R&R and deny the Motion and dismiss with prejudice.
3 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in
4 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
5 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended
6 disposition; receive further evidence; or return the matter to the magistrate judge with
7 instructions.”).

8 **IT IS ORDERED:**

- 9 1. Magistrate Judge Burns’s R&R (Doc. 31) is **accepted**.
- 10 2. Petitioner’s Amended Motion to Vacate, Set Aside or Correct Sentence
11 (Doc. 8) is **denied and dismissed with prejudice**.
- 12 3. The Clerk of Court shall **terminate** this action and enter judgment
13 accordingly.
- 14 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
15 event Movant files an appeal, the Court declines to issue a certificate of appealability
16 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
17 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

18 Dated this 16th day of March, 2016.

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Honorable G. Murray Snow
21 United States District Judge
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