

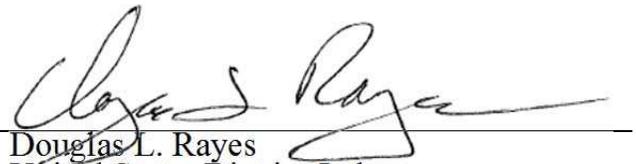
1 taken. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject,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

6 **IT IS ORDERED** that Magistrate Judge Burns’ R&R, (Doc. 21), is **ACCEPTED**.
7 Petitioner’s Petition for Writ of Habeas Corpus, (Doc. 1), is **DENIED** and **DISMISSED**
8 **WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
10 proceed *in forma pauperis* on appeal are **DENIED** because Petitioner has not made a
11 substantial showing of the denial of a constitutional right, and because the dismissal of
12 the Petition is justified by a plain procedural bar and jurists of reason would not find the
13 procedural ruling debatable.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this
15 case.

16 Dated this 18th day of March, 2016.

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Douglas L. Rayes
United States District Judge