

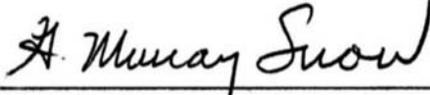


1 taken. The Court will accept the R&R and deny the Petition and dismiss with prejudice.  
2 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in  
3 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.  
4 P. 72(b)(3) (“The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

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Metcalf’s R&R (Doc. 17) is **accepted**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied and**  
10 **dismissed with prejudice**.
- 11 3. The Clerk of Court shall **terminate** this action.
- 12 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the  
13 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
14 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
15 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

16 Dated this 14th day of January, 2014.

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20 G. Murray Snow  
21 United States District Judge  
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