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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

John Scott Allen,
Petitioner,
vs.
R. Rhodes, Acting Warden, et al.,
Respondents.

No. CIV 18-132-TUC-CKJ (JR)

ORDER

On September 9, 2020, Magistrate Judge Jacqueline M. Rateau issued a Report and Recommendation (Doc. 16) in which she recommends the Court dismiss with prejudice the Amended Petition for Writ of Habeas Corpus (Doc. 6). The Report and Recommendation advised the parties that, pursuant to 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2), any party may serve and file written objections within fourteen (14) days after being served with a copy of the Report and Recommendation. No objections have been filed within the time provided by 28 U.S.C. § 636(b)(1). After an independent review, the Court finds it is appropriate to adopt the Report and Recommendation and dismiss the Amended Petition for Writ of Habeas Corpus.

Accordingly, IT IS ORDERED:

1. The Report and Recommendation (Doc. 16) is ADOPTED.
2. The Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is DISMISSED WITH PREJUDICE.
3. The Clerk of the Court shall enter judgment and shall then close its file in this

1 matter.

2 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
3 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
4 reasonable could not “debate whether (or, for that matter, agree that) the petition should have
5 been resolved in a different manner or that the issues presented were ‘adequate to deserve
6 encouragement to proceed further’.” *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see*
7 *also Close v. Thomas*, 653 F.3d 970, 974 n. 2 (9th Cir. 2011) (“COA is not required to appeal
8 the denial of a § 2241 petition filed by a person in federal custody”).

9 DATED this 10th day of November, 2020.

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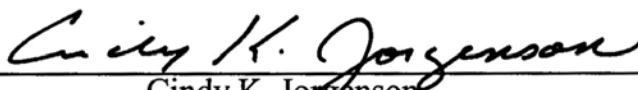
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Cindy K. Jorgenson
United States District Judge