

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

WILLIAM LEWIS,)	No. CV 07-06857-R (VBK)
)	
Petitioner,)	ORDER (1) ACCEPTING AND ADOPTING
)	THE REPORT AND RECOMMENDATION OF
v.)	THE UNITED STATES MAGISTRATE
)	JUDGE, AND (2) DISMISSING THE
DEBRA DEXTER,)	PETITION FOR WRIT OF HABEAS
)	CORPUS
Respondent.)	
_____)	

Pursuant to 28 U.S.C. §636, the Court has made a de novo review of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's Motion to Dismiss, Petitioner's Opposition, the Court's Memorandum and Order, Respondent's Answer and Petitioner's Amended Traverse, all of the records herein and the Report and Recommendation of the United States Magistrate Judge ("Report").

//
//
//
//
//
//

1 **IT IS ORDERED** that: (1) the Court accepts and adopts the Report
2 and Recommendation, (2) the Court declines to issue a Certificate of
3 Appealability ("COA");¹ and (3) Judgment be entered denying and
4 dismissing the Petition with prejudice.



5
6
7 DATED: April 6, 2011

8 MANUEL L. REAL
9 UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21 ¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
22 applicant has made a substantial showing of the denial of a
23 constitutional right." The Supreme Court has held that, to obtain a
24 Certificate of Appealability under §2253(c), a habeas petitioner must
25 show that "reasonable jurists could debate whether (or, for that
26 matter, agree that) the petition should have been resolved in a
27 different manner or that the issues presented were 'adequate to
28 deserve encouragement to proceed further.'" Slack v. McDaniel, 529
U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks
omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.
1029 (2003). After review of Petitioner's contentions herein, this
Court concludes that Petitioner has not made a substantial showing of
the denial of a constitutional right, as is required to support the
issuance of a COA.