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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MERLIN GILLIAM BEALL,)	CASE NO. CV 09-3880-VBF (PJW)
)	
Petitioner,)	
)	ORDER ACCEPTING FINAL REPORT AND
v.)	RECOMMENDATION OF UNITED STATES
)	MAGISTRATE JUDGE AND DENYING
JAMES A. YATES,)	CERTIFICATE OF APPEALABILITY
)	
Respondent.)	
_____)	

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the Petition, records on file, and the Final Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a *de novo* review of those portions of the initial Report to which Petitioner had objected. The Court accepts the findings and recommendation of the Magistrate Judge.

Further, for the reasons stated in the Final Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right and, therefore, a certificate of appealability is denied. See Rules Governing Section 2254 Cases in the United States District Courts,

1 Rule 11(a); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El*
2 *v. Cockrell*, 537 U.S. 322, 336 (2003).

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DATED: September 21, 2011.



PERCY ANDERSON
for VALERIE BAKER FAIRBANK
UNITED STATES DISTRICT JUDGE

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