

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**

MICHAEL JOHN LUGO,
Petitioner,
v.
RON BARNES, Warden,
Respondent.

) Case No. CV 10-6010 DDP (JCG)
)
) **ORDER ADOPTING REPORT AND**
) **RECOMMENDATION OF UNITED**
) **STATES MAGISTRATE JUDGE AND**
) **DENYING CERTIFICATE OF**
) **APPEALABILITY**
)

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge’s Report and Recommendation, and the remaining record. No Objections to the Report and Recommendation have been filed.

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and adopted.
2. Judgment be entered dismissing this action with prejudice.
3. The Clerk serve copies of this Order and the Judgment on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*

1 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate
2 of appealability.

3
4
5 DATED: May 29, 2012



7 HON. DEAN D. PREGERSON
8 UNITED STATES DISTRICT JUDGE
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28