UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ROLANDO ASOLA, Petitioner, v. VIMAL SINGH, Warden, Respondent.	Case No. CV 11-4865 MWF (JCG) **ORDER ACCEPTING 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, Petitioner's Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination. The Court understands the Report, p.6, line 3, to mean that trial counsel had no basis for making an objection for the new trial motion.

Petitioner's Objections reiterate the arguments made in the Petition and Traverse, and lack merit for the reasons set forth in the Report and Recommendation.

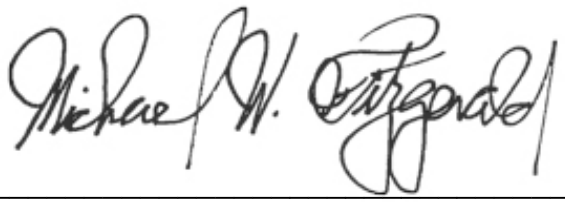
Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and

3. The Clerk serve copies of this Order 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. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

DATED: January 8, 2013



HON. MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE