

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**

| | | |
|-------------------------|---|----------------------------------|
| EUGENE HAROLD CAMPBELL, |) | NO. CV 11-7967-JAK (MAN) |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | ORDER: ACCEPTING FINDINGS AND |
| |) | RECOMMENDATIONS OF UNITED STATES |
| T. OCHOA, |) | MAGISTRATE JUDGE; AND DENYING |
| |) | CERTIFICATE OF APPEALABILITY |
| Respondent. |) | |
| _____ |) | |

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), all of the records herein, and the Report and Recommendation of United States Magistrate Judge ("Report"). The time for filing Objections to the Report has passed, and no Objections have been filed. The Court accepts the findings and recommendations set forth in the Report.

IT IS ORDERED that: the Petition is DENIED; and Judgment shall be entered dismissing this action with prejudice as to Grounds One and Three, and without prejudice as to Ground Two.

1 In addition, pursuant to Rule 11(a) of the Rules Governing Section
2 2254 Cases in the United States District Courts, the Court has
3 considered whether a certificate of appealability is warranted in this
4 case. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484-
5 85, 120 S. Ct. 1595, 1604 (2000). The Court concludes that a
6 certificate of appealability is unwarranted, and thus, it is DENIED.

7
8 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and
9 the Judgment herein on Petitioner.

10
11 LET JUDGMENT BE ENTERED ACCORDINGLY.

12
13 DATED: November 9, 2011.

14 

15 _____
16 JOHN A. KRONSTADT
17 UNITED STATES DISTRICT JUDGE
18
19
20
21
22
23
24
25
26
27
28