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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Petitioner,

v.

GREGORY DARNELL JACOBS,

Respondent.

) Case No. CV 12-424 SJO (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, 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 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.*

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

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4 DATED: May 25, 2012.
5 _____

S. James Otero

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7 HON. S. JAMES OTERO
8 UNITED STATES DISTRICT JUDGE
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