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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

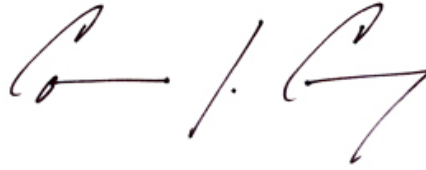
10 JOSE CARLOS RODRIGUEZ, ) CASE NO. CV 12-753-CJC (PJW)  
11 )  
12 Petitioner, ) ORDER ACCEPTING REPORT AND  
13 ) ADOPTING FINDINGS, CONCLUSIONS,  
14 v. ) AND RECOMMENDATIONS OF UNITED  
15 ) STATES MAGISTRATE JUDGE, AND  
16 ) DENYING CERTIFICATE OF  
17 ) APPEALABILITY  
18 )  
19 MATTHEW CATE, )  
20 )  
21 Respondent. )  
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29 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the  
30 Petition, records on file, and the Report and Recommendation of the  
31 United States Magistrate Judge. Further, the Court has engaged in a  
32 *de novo* review of those portions of the Report to which Petitioner has  
33 objected. The Court accepts the findings and recommendation of the  
34 Magistrate Judge.

35 Further, for the reasons stated in the Report and  
36 Recommendation, the Court finds that Petitioner has not made a  
37 substantial showing of the denial of a constitutional right and  
38 therefore, a certificate of appealability is denied. See 28 U.S.C.

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

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4 DATED: October 2, 2013.

A handwritten signature in dark ink, appearing to read 'C. J. Carney', is positioned above a horizontal line.

7 CORMAC J. CARNEY  
8 UNITED STATES DISTRICT JUDGE  
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