

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 CHRISTOPHER GENE SUMMERS,) CASE NO. CV 12-1648-VBF (PJW)
11 Petitioner,)
12 v.) ORDER ACCEPTING REPORT AND
13 WARDEN QUINTANA,) ADOPTING FINDINGS, CONCLUSIONS,
14 Respondent.) AND RECOMMENDATIONS OF UNITED
) STATES MAGISTRATE JUDGE
)
)

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the
17 Petition, the records on file, and the Report and Recommendation of
18 United States Magistrate Judge and has considered *de novo* the
19 portions of the Report as to which objections have been filed. The
20 Court accepts the Magistrate Judge's Report and adopts it as its own
21 findings and conclusions.

22 Further, to the extent that Petitioner is challenging his
23 sentence, the Court finds that Petitioner has not made a substantial
24 showing of the denial of a constitutional right and, therefore, a
25 certificate of appealability is denied. *See Porter v. Adams*, 244
26 F.3d 1006, 1007 (9th Cir. 2001) (holding petitioner who raises claims
27 challenging the legality of his conviction or sentence, as opposed to
28 the execution of his sentence, may not seek habeas relief under

1 section 2241 on appeal without a certificate of appealability); 28
2 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b).

3 DATED: August 8, 2012

4
5 *Valerie Baker Fairbank*
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7 VALERIE BAKER FAIRBANK
8 UNITED STATES DISTRICT JUDGE
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