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6	UNITED STATES DISTRICT COURT	
7	CENTRAL DISTRICT OF CALIFORNIA	
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9	ANTHONY JEROME HALL, JR.,	) Case No. CV 12-5876 CAS (JCG)
10	Petitioner,	) ORDER ACCEPTING REPORT AND
11	V.	) RECOMMENDATION OF UNITED ) STATES MAGISTRATE JUDGE AND
12	M.D. McDONALD, Warden,	) DENYING CERTIFICATE OF ) APPEALABILITY AND EVIDENTIA DY HEADING
13	Respondent.	) EVIDENTIARY HEARING
14		<pre></pre>
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16	Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the	
17	Magistrate Judge's Report and Recommendation, and the remaining record, and has	
18	made a <i>de novo</i> determination. No objections to the Report and Recommendation	
19	have been filed.	
20	Accordingly, IT IS ORDERED THAT:	
21	1. The Report and Recommendation is approved and accepted;	
22	2. Judgment be entered denying the Petition and dismissing this action	
23	with prejudice; and	
24	3. The Clerk serve copies of this Order on the parties.	
25	Additionally, for the reasons set forth in the Report and Recommendation, the	
26	Court finds that Petitioner has not made a substantial showing of the denial of a	
27	constitutional right. See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v.	
28	<i>Cockrell</i> , 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of	

appealability. 

Nor is Petitioner entitled to an evidentiary hearing. See Cullen v. Pinholster, 131 S. Ct. 1388, 1398 (2011) (AEDPA "requires an examination of the state courtdecision at the time it was made. It follows that the record under review is limited to the record in existence at that same time *i.e.*, the record before the state court.").

DATED: April 1, 2015

Ruristine a. Smyde

HON. CHRISTINA A. SNYDER UNITED STATES DISTRICT JUDGE