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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 DION DURRELL HAYES,

12 Petitioner,

13 v.

14 W. L. MONTGOMERY,

15 Respondent.
16

Case No. CV 14-4930-DOC (JCG)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate
18 Judge's Report and Recommendation, Petitioner's Objections to the Report and
19 Recommendation, and the remaining record, and has made a *de novo* determination.

20 Petitioner's Objections generally reiterate the arguments made in the Petition
21 and Reply, and lack merit for the reasons set forth in the Report and Recommendation.

22 Accordingly, IT IS ORDERED THAT:

- 23 1. The Report and Recommendation is approved and accepted;
24 2. Judgment be entered denying the Petition and dismissing this action with
25 prejudice; and
26 3. The Clerk serve copies of this Order on the parties.

27 Additionally, for the reasons stated in the Report and Recommendation, the
28 Court finds that Petitioner has not made a substantial showing of the denial of a

1 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*
2 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of
3 appealability.
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5 DATED: March 2, 2015

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8 HON. DAVID O. CARTER
9 UNITED STATES DISTRICT JUDGE
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