

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

JASON RICHARD PRESTON,
Petitioner,
v.
WILLIAM MUNIZ,
Respondent.

Case No. LA CV 16-1839- ODW (JCG)
**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

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.

//

//

//

//

1 Accordingly, IT IS ORDERED THAT:

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

5 Additionally, for the reasons stated in the Report and Recommendation, the
6 Court finds that Petitioner has not shown that “jurists of reason would find it debatable
7 whether”: (1) “the petition states a valid claim of the denial of a constitutional right”;
8 and (2) “the district court was correct in its procedural ruling.” *See Slack v. McDaniel*,
9 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of
10 appealability.

11
12 DATED: April 26, 2017

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HON. OTIS D. WRIGHT II
UNITED STATES DISTRICT JUDGE