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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

HENRY BENJAMIN PHILLIPS,
Petitioner,
v.
CRAIG KOENIG, Warden,
Respondent.

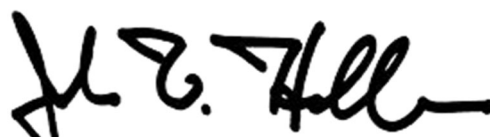
Case No. CV 20-07612-JWH (PD)

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

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
2 records on file, and the Report and Recommendation of the United States
3 Magistrate Judge. No objections to the Report and Recommendation have
4 been filed. The Court accepts the Report and adopts it as its own findings and
5 conclusions.

6 Further, the Court finds that Petitioner has not made a substantial
7 showing of the denial of a constitutional right or that it erred in its procedural
8 ruling and, therefore, a certificate of appealability is denied. See 28 U.S.C.
9 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336
10 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, the Petition
11 is dismissed without prejudice.

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13 DATED: February 16, 2021



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15 JOHN W. HOLCOMB
16 UNITED STATES DISTRICT JUDGE
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