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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

VINCENT JOHN SMITH,)	No. ED CV 08-00456-JHN (VBK)
)	
Petitioner,)	AMENDED ORDER (1) ACCEPTING AND
)	ADOPTING THE REPORT AND
v.)	RECOMMENDATION OF THE UNITED
)	STATES MAGISTRATE JUDGE, AND (2)
BOARD OF PAROLE HEARINGS, et)	DISMISSING THE PETITION FOR WRIT
al.,)	OF HABEAS CORPUS
)	
Respondents.)	
_____)	

Pursuant to 28 U.S.C. §636, the Court has made a de novo review of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's Answer, Petitioner's Traverse, all of the records herein, and the Report and Recommendation of the United States Magistrate Judge ("Report").

Judgment was entered dismissing the Petition on June 24, 2010 (Docket No. 28).

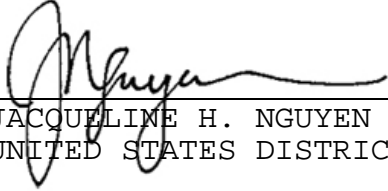
Due to a systems error, the Court reopened the case on November 30, 2010 (Docket No. 31). Petitioner was re-served with copies of the May 17, 2010 "Notice of Filing Report and Recommendation" (Docket No. 25), "Report and Recommendation of United States Magistrate Judge" (Docket No. 26), and an "Order Vacating Judgment" (Docket No. 31).

1 On December 17, 2010, the Court issued a Minute Order granting
2 Petitioner twenty days from the date of the Minute Order in which to
3 file Objections to the Report and Recommendation (Docket No. 33).

4 On January 11, 2011, Petitioner filed Objections to the Report
5 and Recommendation of United States Magistrate Judge (Docket No. 34)
6 which the Court has reviewed de novo.

7 **IT IS ORDERED** that: (1) the Court accepts and adopts the Report
8 and Recommendation, (2) the Court declines to issue a Certificate of
9 Appealability ("COA");¹ and (3) Judgment be entered denying and
10 dismissing the Petition with prejudice.

11
12 DATED: January 24, 2011



JACQUELINE H. NGUYEN
UNITED STATES DISTRICT JUDGE

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21 ¹ Under 28 U.S.C. §2253(c)(2), a COA may issue "only if the
22 applicant has made a substantial showing of the denial of a
23 constitutional right." The Supreme Court has held that, to obtain a
24 Certificate of Appealability under §2253(c), a habeas petitioner must
25 show that "reasonable jurists could debate whether (or, for that
26 matter, agree that) the petition should have been resolved in a
27 different manner or that the issues presented were 'adequate to
28 deserve encouragement to proceed further'." Slack v. McDaniel, 529
U.S. 473, 483-84, 120 S.Ct. 1595 (2000)(internal quotation marks
omitted); see also Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S.Ct.
1029 (2003). After review of Petitioner's contentions herein, this
Court concludes that Petitioner has not made a substantial showing of
the denial of a constitutional right, as is required to support the
issuance of a COA.