

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**

KINZIE GENE NOORDMAN,  
Petitioner,  
v.  
MATTHEW CATE, Secretary,  
California Department of  
Corrections and Rehabilitation,  
Respondent.

Case No. ED CV 09-0409 JFW (JCG)

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

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

Petitioner’s Objections reiterate the arguments made in the Petition and Reply (in many instances verbatim), and lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT:

- 1. The Report and Recommendation is approved and accepted;
- 2. Judgment be entered denying the Petition and dismissing this action with prejudice; and

1           3.     The Clerk serve copies of this Order on the parties.

2           Additionally, for the reasons stated in the Report and Recommendation, the  
3 Court finds that Petitioner has not made a substantial showing of the denial of a  
4 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
5 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate  
6 of appealability.

7  
8  
9 DATED: June 25, 2012

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

HON. JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE