

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

JOHNNY ALVAREZ,)	CASE NO. EDCV 11-588-VBF (PJW)
)	
Petitioner,)	
)	ORDER ACCEPTING REPORT AND
v.)	RECOMMENDATION OF UNITED STATES
)	MAGISTRATE JUDGE AND DENYING
DOMINGO URIBE, JR.,)	CERTIFICATE OF APPEALABILITY
)	
Respondent.)	
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of United States Magistrate Judge. Petitioner has not filed any objections to the Report. The Court accepts the findings and recommendation of the Magistrate Judge.

Further, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right or that the court erred in its procedural ruling and, therefore, a certificate of appealability will not issue in this action. See 28

1 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*,
2 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484
3 (2000).

4
5 DATED: 9/13/11.



7 VALERIE BAKER FAIRBANK
8 UNITED STATES DISTRICT JUDGE