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

MICHAEL LEE BREWER,
Petitioner,
v.
MATTHEW CATE,
Respondent.

Case No. ED CV 12-0781 MWF (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, and the remaining record. No objections to the Report and Recommendation have been filed.


Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered dismissing this action without prejudice; and
3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not shown that “jurists of reason would find it debatable whether”: (1) “the petition states a valid claim of the denial of a constitutional right”; and (2) “the district court was correct in its procedural ruling.” *See Slack v. McDaniel*,

1 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of
2 appealability.

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4 DATED: November 30, 2015

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6 HON. MICHAEL W. FITZGERALD
7 UNITED STATES DISTRICT JUDGE
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