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

MICHAEL JOHN ARNOLD,  
Petitioner,  
v.  
SAN BERNARDINO COUNTY  
PROBATION DEPARTMENT,  
Respondent.

Case No. ED CV 15-1649 AG (JCG)

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

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.

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1 Accordingly, IT IS ORDERED THAT:

- 2 1. The Report and Recommendation is approved and accepted;  
3 2. Judgment be entered dismissing this action with prejudice; and  
4 3. The Clerk serve copies of this Order on the parties.

5 Additionally, for the reasons stated in the Report and Recommendation, the  
6 Court finds that Petitioner has not shown that “jurists of reason would find it debatable  
7 whether”: (1) “the petition states a valid claim of the denial of a constitutional right”;  
8 and (2) “the district court was correct in its procedural ruling.” *See Slack v. McDaniel*,  
9 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of  
10 appealability.

11 Nor is Petitioner entitled to an evidentiary hearing. *See Cullen v. Pinholster*,  
12 131 S. Ct. 1388, 1398 (2011) (AEDPA “requires an examination of the state court-  
13 decision at the time it was made. It follows that the record under review is limited  
14 to the record in existence at that same time *i.e.*, the record before the state court.”).

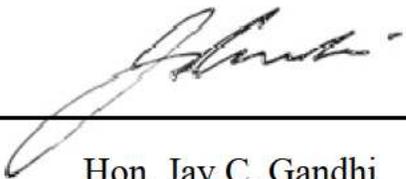
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16 DATED: October 30, 2017



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HON. ANDREW J. GUILFORD  
UNITED STATES DISTRICT JUDGE

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21 Presented by:



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Hon. Jay C. Gandhi  
United States Magistrate Judge