



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 made a substantial showing of the denial of a  
7 constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v.*  
8 *Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of  
9 appealability.

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11 DATED: August 16, 2017

/s/

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12 HON. FERNANDO M. OLGUIN  
13 UNITED STATES DISTRICT JUDGE  
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