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

THANH TAN PHAN,

 Petitioner,

 v.

TIM VARGA, Warden,

 Respondent.

Case No. SACV 12-2216-JAK (LAL)

**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 generally 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 by 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 Court finds
3 that Petitioner has not made a substantial showing of the denial of a constitutional right.¹ Thus,
4 the Court declines to issue a certificate of appealability.

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7 DATED: 6/19/15

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HONORABLE JOHN A. KRONSTADT
9 UNITED STATES DISTRICT JUDGE

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¹ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).