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3. The Clerk serve copies of this Order on the parties.

Additionally, for the reasons set forth in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of appealability.

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

DATED: August 7, 2015



HON. BEVERLY REID O’CONNELL
UNITED STATES DISTRICT JUDGE