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6	UNITED STATES DISTRICT COURT
7	CENTRAL DISTRICT OF CALIFORNIA
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9	ERWIN JOHNNY SANCHEZ,) Case No. SA CV 14-1290 BRO (JCG)
10	Petitioner,) ORDER ACCEPTING REPORT AND
11	v.) RECOMMENDATION OF UNITED V.) STATES MAGISTRATE JUDGE AND
12	DUCART, Warden,) DENYING CERTIFICATE OF APPEALABILITY AND
13	Respondent.
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16	Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the
17	Magistrate Judge's Report and Recommendation, and the remaining record, and has
18	made a <i>de novo</i> determination. No objections to the Report and Recommendation
19	have been filed.
20	Accordingly, IT IS ORDERED THAT:
21	1. The Report and Recommendation is approved and accepted;
22	2. Judgment be entered denying the Petition and dismissing this action
23	with prejudice; and
24	3. The Clerk serve copies of this Order on the parties.
25	Additionally, for the reasons set forth in the Report and Recommendation, the
26	Court finds that Petitioner has not made a substantial showing of the denial of a
27	constitutional right. See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); Miller-El v.
28	Cockrell, 537 U.S. 322, 336 (2003). Thus, the Court declines to issue a certificate of

1 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.").

7 DATED: June 5, 2015

HON. BEVERLY REID O'CONNELL UNITED STATES DISTRICT JUDGE