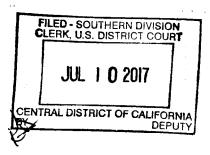
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UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

JUAN ESTRADA, JR.,

Petitioner,

v.

RAYMOND MADDEN, Warden,

Respondent.

Case No. SA CV 15-1835 SVW (JCG)

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: (1) the Petition; (2) the Magistrate Judge's Report and Recommendation ("R&R"): (3) the Traverses filed before and after the filing of the R&R; (4) Petitioner's Objections to the R&R; and (5) the remaining record, and has made a *de novo* determination.

The post-R&R Traverse is identical to the Traverse filed before the R&R was issued, with the exception of very minor stylistic changes. [See Dkt. Nos. 8, 17.] The arguments in the Traverse were considered in the R&R and therefore warrant no further discussion here. [See Dkt. No. 14.]

Petitioner's Objections reiterate arguments made in the Petition and Traverse,¹ and lack merit for the reasons set forth in the R&R. [See Dkt. Nos. 14, 18.]

Accordingly, IT IS ORDERED THAT:

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

Additionally, for the reasons stated in the R&R, 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); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Thus, the Court declines to issue a certificate of appealability.

DATED: <u>6/14/17</u>

HON. STEPHEN V. WILSON UNITED STATES DISTRICT JUDGE

Petitioner expresses concern about the timeliness of his Objections. [Dkt. No. 18 at 1-2.] The Magistrate Judge granted Petitioner an extension of time to file objections by May 15, 2017. [Dkt. No. 16.] The Objections, which were filed May 10, 2017, are timely.