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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 JAMAL WHITE, 1:09-cv-01013-OWW-SMS (HC)

10 Petitioner, ORDER ADOPTING FINDINGS AND
11 v. RECOMMENDATION, DISMISSING
12 JOHN C. MARSHALL, PETITION FOR WRIT OF HABEAS CORPUS,
13 Respondent. DIRECTING CLERK OF COURT TO
14 / TERMINATE ACTION, AND DECLINING TO
15 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254.

17 On July 9, 2009, the Magistrate Judge issued Findings and Recommendation that the
18 Petition for Writ of Habeas Corpus be DISMISSED. This Findings and Recommendation was
19 served on all parties and contained notice that any objections were to be filed within thirty (30)
20 days of the date of service of the order. Over thirty (30) days have passed and no party has filed
21 objections.

22 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted
23 a *de novo* review of the case. Having carefully reviewed the entire file, the Court finds that the
24 Findings and Recommendation is supported by the record and proper analysis.

25 Accordingly, IT IS HEREBY ORDERED that:

26 1. The Findings and Recommendation issued July 9, 2009, is ADOPTED IN FULL;
27 2. The Petition for Writ of Habeas Corpus is DISMISSED;

3. The Clerk of the Court is DIRECTED to terminate this action; and
4. The court declines to issue a Certificate of Appealability. 28 U.S.C. § 2253(c); Slack v. McDaniel, 529 U.S. 473, 484 (2000) (in order to obtain a COA, petitioner must show: (1) that jurists of reason would find it debatable whether the petition stated a valid claim of a denial of a constitutional right; and (2) that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. Slack v. McDaniel, 529 U.S. 473, 484 (2000). In the present case, the Court does not find that jurists of reason would not find it debatable whether the petition was properly dismissed for failure to state a cognizable claim under 28 U.S.C. § 2244. Petitioner has not made the required substantial showing of the denial of a constitutional right. IT IS SO ORDERED.

Dated: July 1, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE