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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**GARY DALE POOLE,**  
  
Petitioner,  
  
**v.**  
  
**MIMMS,**  
  
Respondent.

1:14-cv-00806 LJO MJS HC  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION AND DISMISSING  
PETITION FOR WRIT OF HABEAS  
CORPUS**  
**(Doc. 4)**

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 2, 2014, the Magistrate Judge issued a Findings and Recommendation that the petition for writ of habeas corpus be DISMISSED for failure to state a cognizable claim. This Findings and Recommendation was served on all parties with notice that any objections were to be filed within thirty (30) days of the date of service of the order. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Accordingly, having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued June 2, 2014, is ADOPTED IN FULL;
2. The Petition for Writ of Habeas Corpus is DISMISSED; and
3. 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. at 484. In the present case, jurists of reason would not find debatable whether the petition was properly dismissed. Petitioner has not made the required substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

Dated: July 14, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE