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

**ALVIN RONNEL ROSS,**  
Petitioner,  
  
v.  
  
**ERIC ARNOLD, Warden,**  
Respondent.

Case No. 1:15-cv-00762 LJO MJS (HC)  
**ORDER ADOPTING FINDINGS AND  
RECOMMENDATION**  
**ORDER DISMISSING PETITION FOR WRIT  
OF HABEAS CORPUS AND DECLINING  
TO ISSUE A CERTIFICATE OF  
APPEALABILITY**  
[Doc. 9]

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

On May 22, 2015, the Magistrate Judge issued a Findings and Recommendation that the petition be DISMISSED as successive. 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. Neither party filed objections.

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 May 22, 2015, is ADOPTED;
2. The Petition for Writ of Habeas Corpus is DISMISSED;
3. All pending motions are DENIED as MOOT (ECF No. 3); 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, jurists of reason would not find debatable whether the petition was properly dismissed with prejudice. Petitioner has not made the required substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

Dated: September 11, 2015

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