

1 evidence was presented at his trial to allow a rational trier of fact to find “the essential elements
2 of the offense beyond a reasonable doubt.” *Jackson v. Virginia*, 443 U.S. 307, 319 (1979).
3 Thus, denial of federal habeas relief is warranted.

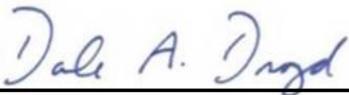
4 Moreover, the court declines to issue a certificate of appealability. A state prisoner
5 seeking a writ of habeas corpus has no absolute entitlement to appeal a district court’s denial of
6 his petition, and an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537
7 U.S. 322, 335-336 (2003). A certificate of appealability is required. 28 U.S.C. § 2253(c). When
8 a court denies a federal habeas petition, the court may only issue a certificate of appealability if
9 the petitioner makes a substantial showing of the denial of a constitutional right. 28 U.S.C. §
10 2253(c)(2). To make a substantial showing, the petitioner must establish that “reasonable jurists
11 could debate whether (or, for that matter, agree that) the petition should have been resolved in a
12 different manner or that the issues presented were ‘adequate to deserve encouragement to proceed
13 further’.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (*quoting Barefoot v. Estelle*, 463 U.S.
14 880, 893 (1983)). In the present case, the court finds that petitioner has not made the required
15 substantial showing of the denial of a constitutional right to justify the issuance of a certificate of
16 appealability. Reasonable jurists would not find the court’s determination that petitioner is not
17 entitled to federal habeas corpus relief debatable, wrong, or deserving of encouragement to
18 proceed further.

19 Accordingly,

- 20 1. The June 7, 2016 findings and recommendations (Doc. No. 16) are adopted in full;
- 21 2. The petition for writ of habeas corpus (Doc. No. 1) is denied;
- 22 3. The court declines to issue a certificate of appealability; and
- 23 4. The court directs the clerk of court to enter judgment for respondent.

24 IT IS SO ORDERED.

25 Dated: September 14, 2016

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UNITED STATES DISTRICT JUDGE