



1 In accordance with 28 U.S.C. § 636 (b)(1)(C), the court has conducted a *de novo* review  
2 of the case. Having carefully reviewed the entire file, the court concludes that the findings and  
3 recommendations are supported by the record and proper analysis.

4 Having found that petitioner is not entitled to habeas relief, the court now turns to whether  
5 a certificate of appealability should issue. A prisoner seeking a writ of habeas corpus has no  
6 absolute entitlement to appeal a district court's denial of his petition, as an appeal is only allowed  
7 under certain circumstances. See 28 U.S.C. § 2253; *Miller-El v. Cockrell*, 537 U.S. 322, 335-336  
8 (2003). In addition, Rule 11 of the Rules Governing Section 2254 Cases requires that a district  
9 court issue or deny a certificate of appealability when entering a final order adverse to a  
10 petitioner. See also Ninth Circuit Rule 22-1(a); *United States v. Asrar*, 116 F.3d 1268, 1270 (9th  
11 Cir. 1997).

12 If, as here, a court denies a petition for a writ of habeas corpus, the court may only issue a  
13 certificate of appealability when "the applicant has made a substantial showing of the denial of a  
14 constitutional right." 28 U.S.C. § 2253(c)(2). To make a substantial showing, the petitioner must  
15 establish that "reasonable jurists could debate whether (or, for that matter, agree that) the petition  
16 should have been resolved in a different manner or that the issues presented were 'adequate to  
17 deserve encouragement to proceed further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)  
18 (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

19 In the present case, the court concludes that petitioner has not made the required  
20 substantial showing of the denial of a constitutional right to justify the issuance of a certificate of  
21 appealability. Reasonable jurists would not find the court's determination that petitioner is not  
22 entitled to federal habeas corpus relief wrong or debatable, and they would not conclude that  
23 petitioner is deserving of encouragement to proceed further. The court therefore declines to issue  
24 a certificate of appealability.

25 Accordingly:

- 26 1. The findings and recommendations issued on February 18, 2020 (Doc. No. 17), are  
27 adopted in full;
- 28 2. The petition for a writ of habeas corpus (Doc. No. 1) is denied;

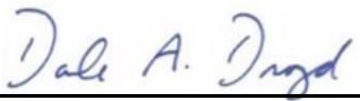
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3. The court declines to issue a certificate of appealability, and

4. The Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: March 18, 2020

  
UNITED STATES DISTRICT JUDGE