

1 certificate of appealability). A judge shall grant a certificate of appealability “only if the applicant has
2 made a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), and the
3 certificate must indicate which issues satisfy this standard, 28 U.S.C. § 2253(c)(3). While the
4 petitioner is not required to prove the merits of his case, he must demonstrate “something more than
5 the absence of frivolity or the existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

6 The Court finds that reasonable jurists would not find the Court’s rejection of Petitioner’s
7 claims is debatable or wrong, or that the issues presented are deserving of encouragement to proceed
8 further. Petitioner has not made the required substantial showing of the denial of a constitutional right.
9 Therefore, the Court declines to issue a certificate of appealability.

10 Based upon the foregoing, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued on June 29, 2022 (Doc. 44) are **ADOPTED**
12 in full.
- 13 2. The petition for writ of habeas corpus (Doc. 1) is **DENIED**.
- 14 3. The Clerk of Court is directed to close the case.
- 15 4. The Court declines to issue a certificate of appealability.

16
17 IT IS SO ORDERED.

18 Dated: August 2, 2022


UNITED STATES DISTRICT JUDGE