

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court holds the findings
3 and recommendations to be 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 petitioner seeking a writ of habeas corpus has no
6 absolute entitlement to appeal a district court's denial of his petition, and an appeal is only
7 allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003); 28 U.S.C.
8 § 2253. The court should issue a certificate of appealability if "reasonable jurists could debate
9 whether (or, for that matter, agree that) the petition should have been resolved in a different
10 manner or that the issues presented were 'adequate to deserve encouragement to proceed
11 further.'" *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S.
12 880, 893 & n.4 (1983)).

13 In the present case, the court finds that reasonable jurists would not find the court's
14 determination that the petition should be dismissed debatable or wrong, or that petitioner should
15 be allowed to proceed further. Therefore, the court declines to issue a certificate of appealability.

16 Accordingly:

- 17 1. The findings and recommendations issued on January 30, 2020 (Doc. No. 9) are
18 adopted;
- 19 2. The petition for writ of habeas corpus is dismissed;
- 20 3. The Clerk of Court is directed to assign a district judge to this case for the purpose of
21 closing the case and then to close the case; and
- 22 4. The court declines to issue a certificate of appealability.

23 IT IS SO ORDERED.

24 Dated: April 21, 2020

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27 UNITED STATES DISTRICT JUDGE
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