



1 his petition, and an appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537  
2 U.S. 322, 335–36 (2003). If a court denies the petition, the court may only issue a certificate of  
3 appealability when a petitioner makes a substantial showing of the denial of a constitutional right.  
4 28 U.S.C. § 2253(c)(2). To make a substantial showing, the petitioner must establish that  
5 “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have  
6 been resolved in a different manner or that the issues presented were ‘adequate to deserve  
7 encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting  
8 *Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)).

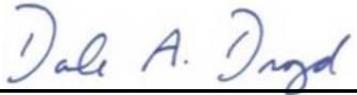
9 In the present case, the court finds that petitioner has not made the required substantial  
10 showing of the denial of a constitutional right to justify the issuance of a certificate of  
11 appealability. Reasonable jurists would not find the court’s determination that petitioner is not  
12 entitled to federal habeas corpus relief debatable, wrong, or deserving of encouragement to  
13 proceed further. Thus, the court **DECLINES** to issue a certificate of appealability.

14 Accordingly, the court orders as follows:

- 15 1. The findings and recommendations, filed August 11, 2020 (Doc. No. 11), are  
16 **ADOPTED IN FULL**;
- 17 2. The petition for writ of habeas corpus is **DISMISSED**;
- 18 3. The Clerk of Court is **DIRECTED** to assign a district judge to this case for the  
19 purpose of closing the case and then to close the case; and,
- 20 4. The court **DECLINES** to issue a certificate of appealability.

21 **IT IS SO ORDERED.**

22 Dated: **September 14, 2020**

23   
UNITED STATES DISTRICT JUDGE