

1 denied. (*Id.* at 2.) Second, petitioner’s claim that he is not being adequately protected from the
2 coronavirus is not a cognizable claim for federal habeas relief. (*Id.* at 2–3.) These findings and
3 recommendations were served upon all parties and contained notice that any objections were to
4 be filed within thirty (30) days from the date of service of that order. To date, no party has filed
5 objections.

6 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
7 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
8 magistrate judge’s findings and recommendation are supported by the record and proper analysis.

9 In addition, the court declines to issue a certificate of appealability. A state prisoner
10 seeking a writ of habeas corpus has no absolute entitlement to appeal a district court’s denial of
11 his petition, and an appeal is only allowed in certain circumstances. 28 U.S.C. § 2253; *Miller-El*
12 *v. Cockrell*, 537 U.S. 322, 335–36 (2003).

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

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

25 Accordingly, the court orders as follows:

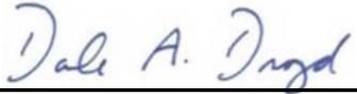
- 26 1. The findings and recommendations, filed October 19, 2020 (Doc. No. 9), are
27 **ADOPTED** in full;
- 28 2. The petition for writ of habeas corpus (Doc. No. 1) is **DISMISSED**;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. The court DECLINES to issue a certificate of appealability; and
4. The Clerk of Court is DIRECTED to assign a district judge to this case for the purpose of closing the case and then to close the case.

IT IS SO ORDERED.

Dated: January 8, 2021


UNITED STATES DISTRICT JUDGE