



1 objections thereto were to be filed within thirty (30) days of service. (*Id.* at 4.) To date, no  
2 objections have been filed and the time in which to do so has passed.

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

6 Having determined that petitioner is not entitled to habeas relief, the court now turns to  
7 whether a certificate of appealability should issue. The federal rules governing habeas cases  
8 brought by state prisoners require a district court issuing an order denying a habeas petition to  
9 either grant or deny therein a certificate of appealability. *See* Rules Governing § 2254 Case, Rule  
10 11(a). A prisoner seeking a writ of habeas corpus has no absolute entitlement to appeal, rather an  
11 appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36  
12 (2003); *see also* 28 U.S.C. § 2253(c)(1)(A) (permitting habeas appeals from state prisoners only  
13 with a certificate of appealability). A judge shall grant a certificate of appealability “only if the  
14 applicant has made a substantial showing of the denial of a constitutional right,” 28 U.S.C.  
15 § 2253(c)(2), and the certificate must indicate which issues satisfy this standard, *id.* § 2253(c)(3).  
16 In the present case, the court finds that reasonable jurists would not find the court’s rejection of  
17 petitioner’s claims to be debatable or conclude that the petition should proceed further. Thus, the  
18 court declines to issue a certificate of appealability.

19 Accordingly:

- 20 1. The findings and recommendations issued on March 11, 2021 (Doc. No. 5) are  
21 adopted in full;
- 22 2. The petition for writ of habeas corpus (Doc. No. 1) is dismissed without prejudice;
- 23 3. The court declines to issue a certificate of appealability; and
- 24 4. The Clerk of the Court is directed to assign a district judge to this case for the  
25 purpose of closing the case and then to enter judgment and close the case.

26 IT IS SO ORDERED.

27 Dated: May 28, 2021

28   
UNITED STATES DISTRICT JUDGE

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