

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

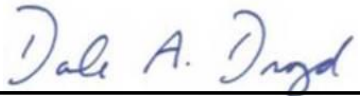
4 In addition, having concluded that the pending petition must be dismissed, the court now
5 turns to whether a certificate of appealability should issue. A state prisoner seeking a writ of
6 habeas corpus has no absolute entitlement to appeal a district court's denial of his petition, and an
7 appeal is only allowed in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36
8 (2003); 28 U.S.C. § 2253. Where, as here, the court denies habeas relief on procedural grounds
9 without reaching the underlying constitutional claims, the court should issue a certificate of
10 appealability “if jurists of reason would find it debatable whether the petition states a valid claim
11 of the denial of a constitutional right and that jurists of reason would find it debatable whether the
12 district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
13 In the present case, the court finds that reasonable jurists would not find the court's determination
14 that the petition should be dismissed debatable or wrong, or that petitioner should be allowed to
15 proceed further. Therefore, the court declines to issue a certificate of appealability.

16 Accordingly,

- 17 1. The findings and recommendations issued on March 12, 2021 (Doc. No. 10) are
18 adopted in full;
- 19 2. The petition for writ of habeas corpus (Doc. No. 1) is dismissed;
- 20 3. The court declines to issue a certificate of appealability; and
- 21 4. The Clerk of the Court is directed to close this case.

22 IT IS SO ORDERED.

23 Dated: April 23, 2021

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26 UNITED STATES DISTRICT JUDGE
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