

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

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD MARTIN,

Petitioner,

No. CIV-S-09-1915 FCD EFB (TEMP) P

vs.

MIKE KNOWLES,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 14, 2011, the magistrate judge assigned to this case filed findings and recommendations herein which were served on all parties. The time for filing objections to the findings and recommendations has passed. Neither party has filed objections.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

/////
/////
/////

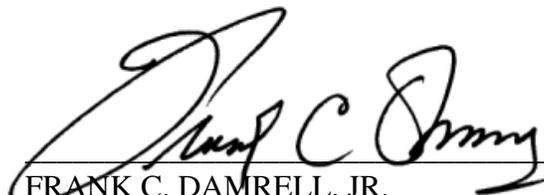
1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Respondent's motion to dismiss (#22) is granted;
- 3 2. Petitioner's application for a writ of habeas corpus is dismissed;
- 4 3. The court declines to issue the certificate of appealability referenced in 28

5 U.S.C. § 2253;¹ and

- 6 3. This case is closed

7 DATED: May 5, 2011.

8 

9 _____

10 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24 ¹ A certificate of appealability may issue under 28 U.S.C. § 2253 “only if the

25 applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C.

26 § 2253(c)(2). For the reasons set forth in the magistrate judge’s February 14, 2011 findings and recommendations, petitioner has not made a substantial showing of the denial of a constitutional right.