


1 this decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c); Fed. R. App. P.
2 22(b). Where the petition is denied on the merits, a certificate of appealability may issue under
3 28 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a
4 constitutional right.” 28 U.S.C. § 2253(c)(2). The court must either issue a certificate of
5 appealability indicating which issues satisfy the required showing or must state the reasons why
6 such a certificate should not issue. *See* Fed. R. App. P. 22(b). Where the petition is dismissed on
7 procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that
8 jurists of reason would find it debatable whether the district court was correct in its procedural
9 ruling’; and (2) ‘that jurists of reason would find it debatable whether the petition states a valid
10 claim of the denial of a constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir.
11 2000) (quoting *Slack v. McDaniel*, 529 U.S. 473, 120 S.Ct. 1595, 1604 (2000)). For the reasons
12 set forth in the Magistrate Judge’s findings and recommendations, the court finds that issuance of
13 a certificate of appealability is not warranted in this case.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. The findings and recommendations filed February 18, 2021, are adopted in
16 full;
- 17 2. Petitioner’s petition for a writ of habeas corpus, ECF No. 1, is denied;
- 18 3. The Court declines to issue a certificate of appealability; and
- 19 4. The Clerk of the Court is directed to enter judgment and close this file.

20 DATED: September 27, 2021.

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23 CHIEF UNITED STATES DISTRICT JUDGE
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