

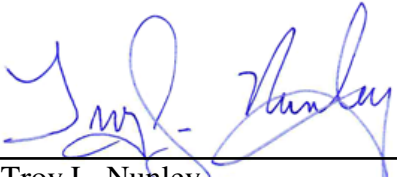
1 Where the petition is denied on the merits, a certificate of appealability may issue under 28
2 U.S.C. § 2253 “only if the applicant has made a substantial showing of the denial of a
3 constitutional right.” 28 U.S.C. § 2253(c)(2). The Court must either issue a certificate of
4 appealability indicating which issues satisfy the required showing or must state the reasons why
5 such a certificate should not issue. *See* Fed. R. App. P. 22(b). Where the petition is dismissed on
6 procedural grounds, a certificate of appealability “should issue if the prisoner can show: (1) ‘that
7 jurists of reason would find it debatable whether the district court was correct in its procedural
8 ruling’; and (2) ‘that jurists of reason would find it debatable whether the petition states a valid
9 claim of the denial of a constitutional right.’” *Morris v. Woodford*, 229 F.3d 775, 780 (9th Cir.
10 2000) (quoting *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000)). For the reasons set forth in the
11 Findings and Recommendations (ECF No. 20), the Court finds that issuance of a certificate of
12 appealability is not warranted in this case.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The Findings and Recommendations filed March 25, 2021 (ECF No. 20), are
15 ADOPTED IN FULL;
- 16 2. The Petition for a Writ of Habeas Corpus is DENIED;
- 17 3. The Clerk of Court is directed to close this action; and
- 18 4. The Court declines to issue the certificate of appealability referenced in 28 U.S.C. §
19 2253.

20 IT IS SO ORDERED.

21 DATED: May 3, 2021

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24 Troy L. Nunley
25 United States District Judge
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