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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed December 15, 2020, ECF No. 11, are adopted in full;
2. Petitioner's application for a writ of habeas corpus is denied without prejudice to filing his claims in a new action under 42 U.S.C. § 1983; and
3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253.

DATED: February 23, 2021.



CHIEF UNITED STATES DISTRICT JUDGE