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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 19, 2021, are adopted in full;
2. Respondent’s motion to dismiss (ECF No. 16) is granted;
3. This action (ECF No. 1) is dismissed with prejudice; and
4. The court declines to issue the certificate of appealability referenced in 28 U.S.C.

§ 2253.

Dated: December 20, 2021

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE