

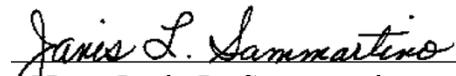
1 jurists could conclude the issues presented are adequate to deserve encouragement to
2 proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *see also Slack v.*
3 *McDaniel*, 529 U.S. 473, 484 (2000).

4 In the present case, Judge Major carefully and thoroughly addressed the underlying
5 Motion to Dismiss the Petition, and Petitioner’s Opposition to the same. (ECF No. 20.)
6 This Court considered Petitioner’s Objection to Judge Major’s Report and
7 Recommendation, (ECF No. 32), and concluded that Petitioner’s case is unquestionably
8 time barred and that Petitioner provided no new evidence to support his theory of actual
9 innocence. Given the foregoing, the Court also concludes that no jurist of reason could
10 either disagree with this resolution or conclude that the issues presented are adequate to
11 deserve encouragement to proceed further.

12 The Court therefore **DENIES** a certificate of appealability.

13 **IT IS SO ORDERED.**

14 Dated: March 9, 2017


15 Hon. Janis L. Sammartino
16 United States District Judge
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