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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EDWARD V. SHELL,

Petitioner,

vs.

RONALD RACKLEY, Warden,

Respondent.

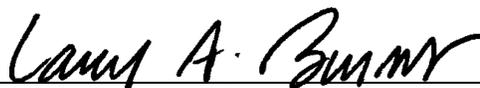
CASE NO. 16cv2320-LAB (JLB)

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court finds Judge Burkhardt’s Report and Recommendation correct and adopts it. Edward Shell failed to file timely objections, but the Court considered the issues he raised in his extension motion [Dkt. 20] and finds them meritless. Fed. R. Civ. P. 72(b). Shell’s motion to expand the record and his petition for habeas relief is denied. [Dkt. 15 & 16]. Since Shell hasn’t “made a substantial showing of the denial of a constitutional right,” the Court denies him a certificate of appealability. 28 U.S.C. § 2253. The clerk shall enter judgment and close the case.

IT IS SO ORDERED.

Dated: August 21, 2017



HONORABLE LARRY ALAN BURNS
United States District Judge