



**United States District Court**  
SOUTHERN DISTRICT OF CALIFORNIA

Diriki A. Hill

Civil Action No. 16cv2843-JLS-KSC

**Plaintiff,**

**v.**

Christian Phieffer

**JUDGMENT IN A CIVIL CASE**

**Defendant.**

**Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED:

The Court **OVERRULES** Petitioner’s Objection, **ADOPTS** Judge Crawford’s Report and Recommendation, **GRANTS** Defendant’s Motion to Dismiss, and **DISMISSES WITH PREJUDICE** Petitioner’s Petition. Furthermore, because Petitioner’s Petition would be untimely even if the Court granted Petitioner the most generous amount of tolling possible under Petitioner’s allegations, Petitioner has failed to show “that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); see also *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, the Court **DENIES** a certificate of appealability. Because this concludes the litigation in this matter, the Clerk **SHALL** close the file.

**Date:** 9/12/17

**CLERK OF COURT**  
**JOHN MORRILL, Clerk of Court**

By: s/ M. Lozano

M. Lozano, Deputy