



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

Charzel P. Shears

**Civil Action No.** 17cv559-MMA(BLM)

**Petitioner,**

**v.**

M.E. Spearman

**JUDGMENT IN A CIVIL CASE**

**Respondent.**

**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 finds that Judge Major has issued an accurate Report and well-reasoned recommendation that the petition be denied. The Court adopts the Report and Recommendation in its entirety. The Court denies the petition with prejudice and denies Petitioner's request for an evidentiary hearing. A certificate of appealability is not issued unless there is "a substantial showing of the denial of a constitutional right." For the reasons set forth in the Report and Recommendation and incorporated by reference herein, the Court finds that this standard has not been met and therefore declines to issue a certificate of appealability in this case. The Clerk of Court is instructed to enter judgment accordingly and close the case.

**Date:** 3/6/18

**CLERK OF COURT**

**JOHN MORRILL, Clerk of Court**

By: s/ R. Chapman

R. Chapman, Deputy