

- (1) This Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation, R. 8.
- (2) The petition for a writ of habeas corpus under 28 U.S.C. § 2254, R. 1, is **DENIED WITH PREJUDICE**.
- (3) A certificate of appealability shall not issue. *See* 28 U.S.C. § 2253(c).
- (4) The Clerk shall **STRIKE** this case from this Court's active docket.
- (5) This Court will enter a separate Judgment.

This the 13th day of June, 2013.



Signed By:

Amul R. Thapar

AT

United States District Judge