



contrary to or an unreasonable application of clearly established federal law. As such, the Court finds Petitioner's objections to the Report and Recommendation to be lacking in merit.

Therefore, the Report and Recommendation is ADOPTED in its entirety (ECF # 11), the Petition for Writ of Habeas Corpus is DENIED (ECF # 1), and Petitioner's objections are thereby DENIED (ECF # 12).

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

*s/ Donald C. Nugent*  
DONALD C. NUGENT  
United States District Judge

DATED: August 27, 2009