



raised by the parties, and properly and justly analyzes the applicable law. This Court, therefore, adopts the Magistrate's Report in its entirety. The Respondent's Motion to Dismiss (ECF #7) is GRANTED and the Petition is DISMISSED. Further, for the reasons stated in the Magistrate Judge's Report and Recommendation, a reasonable jurist could not conclude that dismissal of the Petition is in error or that Petitioner should be permitted to proceed further. Accordingly, 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.

  
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DONALD C. NUGENT  
United States District Judge

DATED: March 15, 2016