

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JASON MICHAEL ELLIS,

No. 2:16-cv-00449-TC

Petitioner,

v.

MARK NOOTH,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Coffin issued a Findings and Recommendation (#12) on November 3, 2016, in which he recommends that this Court deny Petitioner's petition for habeas corpus and decline to issue a certificate of appealability. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de*


*novo*, I find no error.

### CONCLUSION

The Court ADOPTS Magistrate Judge Coffin's Findings & Recommendation [12]. Accordingly, Petitioner's Petition for Writ of Habeas Corpus [2] is denied. The Court declines to issue a Certificate of Appealability on the basis that petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 17 day of December, 2016.

  
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MARCO A. HERNANDEZ  
United States District Judge