

## **APPENDIX B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

AARON E. CHOAT,

No. 2:16-cv-01459-JR

Petitioner,

v.

RICK COURSEY, Superintendent,  
Eastern Oregon Correctional Institution,

ORDER

Respondent.

HERNANDEZ, District Judge:

Magistrate Judge Russo issued a Amended Findings & Recommendation (#56) on October 2, 2019, in which she recommends the Court deny Petitioner's Amended Petition for Writ of Habeas Corpus, and deny a Certificate of Appealability. Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

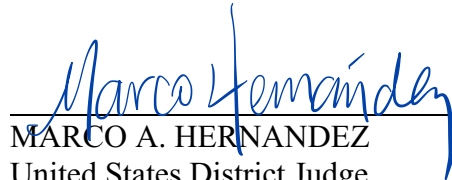
I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Russo's Amended Findings & Recommendation [86], and therefore, the Amended Petition for Writ of Habeas Corpus [20] 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 6 day of Dec, 2019.

  
MARCO A. HERNANDEZ  
United States District Judge