

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WILLIS R. BROWN,
Petitioner,

v.
SWARTHOUT,
Respondent.

) NO. CV 11-1790-CAS (MAN)
)
)
)
) ORDER ACCEPTING FINDINGS AND
)
) RECOMMENDATIONS OF UNITED STATES
)
) MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), all of the records herein, the Report and Recommendation of United States Magistrate Judge ("Report"), and petitioner's Objections to the Report. The Court has conducted a *de novo* review of those portions of the Report to which objections have been stated in writing.

Petitioner has appended several documents to his Objections. A district court has discretion, but is not required, to consider evidence presented for the first time in objections to a report and recommendation. See *Brown v. Roe*, 279 F.3d 742, 744-45 (9th Cir. 2002);

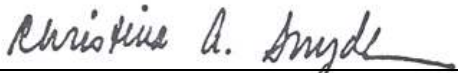
1 United States v. Howell, 231 F.3d 615, 621-22 (9th Cir. 2000). The
2 Court exercises its discretion to consider the documents appended to
3 petitioner's Objections. Having done so, the Court concludes that the
4 documents do not affect the correctness of the Report's conclusions.
5 The Court accepts the findings and recommendations set forth in the
6 Report.

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8 IT IS ORDERED that: (1) the Petition is denied; and (2) Judgment
9 shall be entered dismissing this action with prejudice.

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11 IT IS FURTHER ORDERED that the Clerk serve copies of this Order and
12 the Judgment herein on the parties.

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14 LET JUDGMENT BE ENTERED ACCORDINGLY.

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16 DATED: November 29, 2011

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19 _____
20 CHRISTINA A. SNYDER
21 UNITED STATES DISTRICT JUDGE
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