

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KESHAWN NELSON,)	Case No. CV 11-2721 SJO (MRW)
Petitioner,) ORDER ACCEPTING FINDINGS AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE
vs.		
GEORGE NEOTTI, Warden,		
Respondent.		

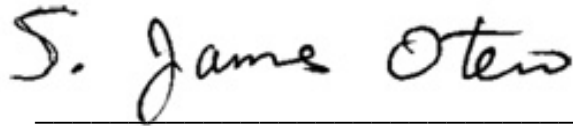
Pursuant to 28 U.S.C. § 636, the Court reviewed the petition, the records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which Respondent has objected.

Respondent objects on the ground that the Report does not analyze whether Petitioner’s claims are barred on retroactivity grounds under Teague v. Lane, 489 U.S. 288, 310 (1989). Because the Court does not recommend granting habeas relief on any ground here, it is not necessary to address Respondent’s Teague argument. See Leavitt v. Arave, 383 F.3d 809, 816 (9th Cir. 2004) (“If a state properly argues that the district court granted a habeas petition on the basis of a new rule of constitutional law that is Teague-barred, we must address the Teague

1 issue first.” (citing Horn v. Banks, 536 U.S. 266, 267 (2002) (per curiam))
2 (emphasis added). The Court accepts the findings and recommendation of the
3 Magistrate Judge.

4 IT IS ORDERED that Judgment be entered denying the petition and
5 dismissing this action with prejudice.

6
7 DATE: May 20, 2012.



8 HON. S. JAMES OTERO
9 UNITED STATES DISTRICT JUDGE

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28