

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

WAYNE THOMAS HOUFF,

CV 06-445-PK

Petitioner,

OPINION AND ORDER

v.

SHARON BLACKETTER, Superintendent,
Eastern Oregon Correctional Institution,

Respondent.

REDDEN, Judge:

On November 24, 2008, Magistrate Judge Paul Papak filed his Findings and Recommendation (doc. 48) that Wayne Thomas Houff's Petition (doc. 2) for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be denied, and judgment entered dismissing this case with prejudice.

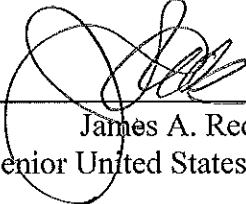
The matter is now before this court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Civil Procedure 72(b) and 54(d)(2)(D). When a party timely objects to any portion of the magistrate judge's Findings and Recommendation, the district court must conduct a *de novo*

review of those portions of the Findings and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). In conducting a *de novo* review, the district court is not bound by the recommendations of the magistrate judge, and "may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The district court is not, however, required to review the magistrate judge's factual and legal conclusions to which the parties do not object. Thomas v. Arn, 474 U.S. 140, 149 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

Petitioner timely filed objections to Magistrate Judge Papak's Findings and Recommendation. I have, therefore, given those portions of the Findings and Recommendation a *de novo* review. I agree with Magistrate Judge Papak's analysis and conclusions. Accordingly, I ADOPT Judge Papak's Findings and Recommendation (doc. 48) as my own opinion.

IT IS SO ORDERED.

DATED this 2nd day of February, 2009.



James A. Redden
Senior United States District Judge