

novo review of all conclusions of law,² and any findings of fact to which objections have been made.³ Uncontested findings of fact are reviewed for clear error.⁴

III. DISCUSSION

This court has reviewed the parties' papers and applied the standard of review articulated above. Petitioner Anderson is being detained pursuant to a final order of removal. He seeks release from detention on the grounds that he is a United States citizen. That claim has been presented to the United States Court of Appeals for the Ninth Circuit, which has jurisdiction to resolve it pursuant to 8 U.S.C. § 1252. Anderson's request to this court for release from detention turns on the merits of the citizenship claim whose determination is for the appellate court. The cases relied upon by petitioner Anderson are all distinguishable for the reasons articulated by the magistrate judge. This court finds Magistrate Judge Aspey's analysis of the law and its application to the facts here entirely correct. There is nothing in Anderson's objections which convinces this court otherwise. Therefore, this court adopts the recommended findings and conclusions of the magistrate judge. Based thereon, the petition is **DISMISSED**. The Clerk will please close the file.

DATED this 25th day of January, 2011.

/s/ JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE

²*Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

³28 U.S.C. § 636(b)(1).

⁴*Taberer v. Armstrong World Industries, Inc.*, 954 F.2d 888, 906 (3d Cir. 1992).