



1 “reasonable diligence” by waiting an additional 30 months after he received notice to  
2 resend the PCR notice. (*Id.*)

3 In his Objections to the Report and Recommendation, Petitioner has failed to point  
4 out specific objections to Judge Boyle’s findings and recommendations in the R&R.  
5 (Doc. 39 at 1-3.) The Petitioner has repeated the same arguments from his initial Habeas  
6 Petition. (Doc. 12.)

7 A district judge “may accept, reject, or modify, in whole or in part, the findings or  
8 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). When a party files  
9 a timely objection to an R&R, the district judge reviews *de novo* those portions of the  
10 R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b). A proper objection  
11 requires specific written objections to the findings and recommendations in the R&R. *See*  
12 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. §  
13 636(b)(1). It follows that the Court need not conduct any review of portions to which no  
14 specific objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also Thomas v.*  
15 *Arn*, 474 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review is  
16 judicial economy). Further, a party is not entitled as of right to *de novo* review of  
17 evidence or arguments which are raised for the first time in an objection to the R&R, and  
18 the Court’s decision to consider them is discretionary. *United States v. Howell*, 231 F.3d  
19 615, 621-622 (9th Cir. 2000).

20 The Court has nonetheless undertaken an extensive review of the sufficiently  
21 developed record and the deficient objections to the findings and recommendations in the  
22 very detailed R&R, without the need for an evidentiary hearing. After conducting a *de*  
23 *novo* review of the issues and objections, the Court reaches the same conclusions reached  
24 by Judge Boyle. Specifically, the Court finds the Petitioner was sentenced years prior to  
25 the filing of his Petition and no grounds exist that would entitle the Petitioner to equitable  
26 tolling. (Doc. 35-1, Ex. F, G, J, M, O, and W.) Additionally, the Court finds the claims  
27 of the Petitioner are untimely and that no extraordinary circumstances prevented him  
28 from filing his claims. Furthermore, the Court finds he is not entitled to equitable tolling.

1 Having carefully reviewed the record, the Petitioner has not shown that he is  
2 entitled to habeas relief. Finding none of Petitioner's objections have merit, the R&R  
3 will be adopted in full. Accordingly,

4 **IT IS ORDERED:**

5 1. That the Magistrate Judge's Report and Recommendation (Doc. 38) is  
6 **accepted** and **adopted** by the Court;


7 2. That the Petitioner's Objections (Doc. 39) are **overruled**;

8 3. That the Amended Petition for Writ of Habeas Corpus (Doc. 12) is **denied**  
9 and this action is **dismissed with prejudice**;

10 4. That a Certificate of Appealability and leave to proceed *in forma pauperis*  
11 on appeal are **denied** because the dismissal of the Petition is justified by a plain  
12 procedural bar and reasonable jurists would not find the ruling debatable; and

13 5. That the Clerk of Court shall **terminate** this action.

14 Dated this 31st day of October, 2017.

15   
16 Honorable Steven P. Logan  
17 United States District Judge  
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