

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

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jesus J Trevizo,
Petitioner,
v.
Charles L Ryan, et al.,
Respondents.

No. CV-14-01794-TUC-RCC
ORDER

Pending before the Court is Petitioner Jesus J. Trevizo’s *pro se* Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by A Person in State Custody (Doc. 1), Magistrate Judge Bruce G. Macdonald’s Report and Recommendation (“R&R”) (Doc. 13), Petitioner’s objections to the R&R (Doc. 14) and Respondent’s response (Doc. 15). For the foregoing reasons, the Court shall accept and adopt Magistrate Judge Macdonald’s R&R and deny Trevizo’s Petition.

I. Background

The factual and procedural background in this case is thoroughly detailed in Magistrate Judge Macdonald’s R&R. This Court fully incorporates by reference the Factual and Procedural Background sections of the R&R into this Order.

II. Discussion

Where the parties object to an R & R, “[a] judge of the [district] court shall make a de novo determination of those portions of the [R & R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection

1 is filed, the district court need not review the R&R de novo. *Wang v. Masaitis*, 416 F.3d
2 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22
3 (9th Cir. 2003) (en banc). The Court will not disturb a magistrate judge’s order unless his
4 factual findings are clearly erroneous or his legal conclusions are contrary to law. 28
5 U.S.C. § 636(b)(1)(A). “[T]he magistrate judge’s decision . . . is entitled to great
6 deference by the district court.” *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th
7 Cir. 2001). A failure to raise an objection waives all objections to the magistrate judge’s
8 findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object
9 to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety
10 of finding waiver of an issue on appeal.” *Id.* (internal citations omitted). Federal Rule of
11 Civil Procedure 72(b)(2) requires “*specific* written objections to the proposed findings
12 and recommendations.” (emphasis added).

13 Here, Petitioner makes skeletal allegations that he: (1) was denied access to an
14 attorney or legal material after he was convicted; (2) exhausted state remedies; (3) was
15 not procedurally barred; and (4) suffered a Fourth Amendment violation because the
16 warrant listed the wrong address. Petitioner’s objections are ineffective general
17 objections because he does not indicate when or how these allegations occurred. A
18 general objection “has the same effect as would a failure to object.” *Howard v. Sec’y of*
19 *HHS*, 932 F.2d 505, 509 (6th Cir. 1991). Thus, Petitioner’s objections are overruled.
20 Furthermore, the Court adopts Magistrate Judge Macdonald’s R&R because the factual
21 findings are not clearly erroneous and his legal conclusions are not contrary to the law.

22 ...
23 ...
24 ...
25 ...
26 ...
27 ...
28 ...

1 Accordingly,

2 **IT IS HEREBY ORDERED** that Petitioner Jesus J. Trevizo's *pro se* Petition
3 Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by A Person in State Custody is
4 **denied.** Doc. 1.

5 **IT IS FURTHER ORDERED** that Magistrate Judge Bruce G. Macdonald's
6 Report and Recommendation is **accepted and adopted.** Doc. 13.

7 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to close this
8 case.

9 Dated this 1st day of March, 2017.

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



Raner C. Collins
Chief United States District Judge