

1 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22
2 (9th Cir. 2003) (en banc). The Court will not disturb a magistrate judge’s order unless the
3 factual findings are clearly erroneous or the legal conclusions are contrary to law. 28
4 U.S.C. § 636(b)(1)(A). “[T]he magistrate judge’s decision...is entitled to great deference
5 by the district court.” *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.
6 2001).

7 Here, as Magistrate Judge Rateau discusses in detail, Petitioner’s petition is
8 untimely and not entitled to any tolling. Petitioner’s objections do not change the fact that
9 his deadline to appeal was November 2, 2014 and that he filed this petition on November
10 13, 2017.

11 Accordingly,

12 **IT IS HEREBY ORDERED** that Petitioner’s petition for writ of habeas corpus is
13 denied. Doc. 1.

14 **IT IS FURTHER ORDERED** that the Report and Recommendation prepared by
15 Magistrate Judge Rateau is accepted and adopted as the findings of fact and conclusions
16 of law of this Court. Doc. 31.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to close the
18 case.

19 **IT IS FURTHER ORDERED** that Respondents’ motion to strike is granted.
20 Doc. 30.

21 **IT IS FURTHER ORDERED** that Petitioner’s notice of state's non-compliance
22 with rules of the court is denied. Doc. 34.

23 Dated this 8th day of June, 2018.

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Honorable Raner C. Collins
Chief United States District Judge