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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JOHN LISCHESKI,  
Petitioner,  
v.  
A.K. SCRIBNER, Warden,  
Respondent.

) Case No. CV 05-4513 AHS(JC)  
)  
) ORDER ADOPTING FINDINGS,  
) CONCLUSIONS, AND  
) RECOMMENDATIONS OF  
) UNITED STATES MAGISTRATE  
) JUDGE

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Pursuant to 28 U.S.C. § 636, the Court has reviewed the operative Second Amended Petition for Writ of Habeas Corpus by a Person in State Custody (the “Petition”) and all of the records herein, including the attached Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”), and petitioner’s objections to the Report and Recommendation (“Objections”). The Court has further made a *de novo* determination of those portions of the Report and Recommendation to which objection is made.<sup>1</sup> The Court concurs with and adopts the findings, conclusions,

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<sup>1</sup>To the extent the Objections raise new evidence and arguments, this Court, in an exercise of its discretion, declines to consider them. See United States v. Howell, 231 F.3d 615, 621 (9th Cir. 2000), cert. denied, 534 U.S. 831 (2001).

1 and recommendations of the United States Magistrate Judge and overrules the  
2 Objections.

3 IT IS ORDERED that Judgment be entered denying the Petition and  
4 dismissing this action with prejudice.

5 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the  
6 United States Magistrate Judge's Report and Recommendation, and the Judgment  
7 herein on petitioner and counsel for respondent.

8 LET JUDGMENT BE ENTERED ACCORDINGLY.

9  
10 DATED: September 29, 2011

11 ALICEMARIE H. STOTLER

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13 HONORABLE ALICEMARIE H. STOTLER  
14 SENIOR UNITED STATES DISTRICT JUDGE  
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