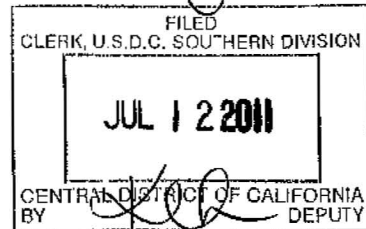


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4 I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL-COUNSEL *Petitioner*
(OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF
RECORD IN THIS ACTION ON THIS DATE.

5 DATED: 7/12/11
6 *[Signature]*
7 DEPUTY CLERK



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 TOBIAS WHITE,
12 Petitioner,
13 vs.
14 M. McDONALD, Warden,
15 Respondent.

Case No. CV 10-7917-JST (RNB)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the
18 records and files herein, and the Report and Recommendation of the United States
19 Magistrate Judge. Objections to the Report and Recommendation have been filed by
20 petitioner, and the Court has made a de novo determination of those portions of the
21 Report and Recommendation to which objections have been made.

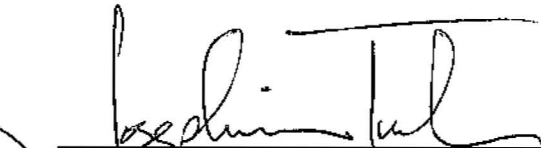
22 In his objections, petitioner contends, with respect to each of his four grounds
23 for relief, that he is entitled to an evidentiary hearing. However, in Cullen v.
24 Pinholster, - U.S. -, 131 S. Ct. 1388, 1398-1401 (2011), the Supreme Court recently
25 held that, for claims adjudicated on the merits in state court, the AEDPA requires
26 federal habeas courts to evaluate the reasonableness of state court decisions on the
27 basis of the record before the state court. Under Pinholster, a federal habeas court
28 may not consider new evidence on such claims unless both the standard set forth in

1 28 U.S.C. § 2254(d) and the standard set forth in § 2254(e)(2) are satisfied. See id.
2 Here, all four grounds for relief alleged by petitioner were adjudicated on the merits
3 by the California Supreme Court. Moreover, the Court concurs with and accepts the
4 findings of the Magistrate Judge that the standard set forth in § 2254(d) was not met
5 with respect to any of those grounds for relief.

6 The Court therefore also concurs with and accepts the recommendations of the
7 Magistrate Judge that petitioner's request for an evidentiary hearing be denied; and
8 that Judgment be entered denying the Petition and dismissing this action with
9 prejudice.

10 IT IS SO ORDERED.

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12 DATED: 7.06.11

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15 JOSEPHINE S. TUCKER
16 UNITED STATES DISTRICT JUDGE
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