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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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|-----------------------|---|-------------------------------|
| MARK A. HARRIS, |) | Case No. CV 11-7519-JVS (JPR) |
| |) | |
| Petitioner, |) | ORDER ACCEPTING FINDINGS AND |
| |) | RECOMMENDATIONS OF U.S. |
| v. |) | MAGISTRATE JUDGE |
| |) | |
| WARREN L. MONTGOMERY, |) | |
| Warden, |) | |
| |) | |
| Respondent. |) | |

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of U.S. Magistrate Judge.

On September 15, 2016, Petitioner filed objections to the Report and Recommendation and a request for a certificate of appealability. For the most part Petitioner simply repeats arguments from his Petition and Reply. Moreover, almost all of Petitioner's objections to the R. & R. rest on his assertion that the Magistrate Judge, like the state courts, "ignored" critical evidence, in the form of his mother's and his own declarations, of a whole host of "facts" allegedly showing that had he been advised of the correct parole term he would not have pleaded

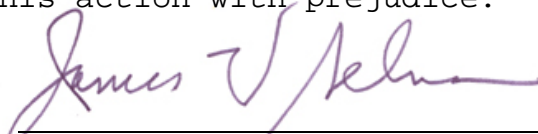
1 guilty. (See, e.g., Objs. at 12-13.) But the Magistrate Judge
2 in fact discussed Petitioner's and his mother's declarations at
3 length (R. & R. at 14-16; see also Lodged Doc. 5 at 1-2 (state
4 superior court discussing Petitioner's "exhibits," including
5 declarations); she simply concluded, correctly, that the state
6 court was not objectively unreasonable in finding Petitioner's
7 assertions "wholly unbelievable" because by entering a guilty
8 plea he shaved 20 years off his sentence and prevented his
9 grandmother from having to testify, which he acknowledged was
10 important to him and his family (see R. & R. at 17-20, 24).

11 Petitioner also argues, as he did in his Petition, that his
12 claims should be reviewed de novo, not with AEDPA deference.

13 (See generally Objs.) He is incorrect. (See R. & R. at 6-7.)
14 As to Petitioner's specific objection that the Magistrate Judge
15 improperly applied the look-through doctrine to review the
16 superior court's decision (Objs. at 6), she did not: although the
17 state supreme court indicated that it was denying all of
18 Petitioner's claims "on the merits" (Lodged Doc. 9), because its
19 decision included no analysis, the Magistrate Judge properly
20 looked to the last reasoned decision, that of the superior court.

21 Having made a de novo determination of those portions of the
22 Report and Recommendation to which objections have been made, the
23 Court accepts the findings and recommendations of the Magistrate
24 Judge. IT THEREFORE IS ORDERED that Judgment be entered denying
25 the Petition and dismissing this action with prejudice.

26
27 DATED: October 14, 2016



JAMES V. SELNA
U.S. DISTRICT JUDGE