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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**RIANNE CELINE THERIAULT  
ODOM,** )  
 )  
 **Petitioner,** )  
 v. )  
 W. MILLER, Warden, )  
 )  
 Respondent. )

**Case No. LA CV 12-04141-VBF-SS**  
**ORDER ACCEPTING FINDINGS,  
CONCLUSIONS, AND  
RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE  
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the petition for a writ of habeas corpus (Document (“Doc”) 1), United States Magistrate Judge Oswald Parada’s Order granting petitioner’s request to withdraw unexhausted claims (Doc 21), respondent’s Answer (Doc 29) and accompanying memorandum of points and authorities (Doc 29-1), the Report and Recommendation (“R&R”) of Magistrate Judge Parada, petitioner’s objections docketed July 28, 2014 (Doc 37)<sup>1</sup>, the records

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<sup>1</sup>

Magistrate Judge Parada issued the R&R on February 26, 2014, and on February 28, 2014 petitioner filed a motion for an extension of time in which to file objections (Doc 32). On April 2, 2014, Magistrate Judge Parada issued an Order (Doc 33) extending petitioner’s objection deadline to May 2, 2014. On May 5, 2014, petitioner filed a second motion for an extension of time (Doc 34). The referral to

1 on file, and the applicable law. Having conducted a de novo review of those portions  
2 of the R&R to which petitioner lodged a specific objection, the Court will accept the  
3 findings and recommendations of the Magistrate Judge.

4 IT IS ORDERED as follows:

- 5 (1) Petitioner's objections are OVERRULED.
- 6 (2) The Report and Recommendation is ACCEPTED.
- 7 (3) The petition for a writ of habeas corpus is DENIED.
- 8 (4) This action is DISMISSED with prejudice.

9 As required by Federal Rule of Civil Procedure 58(a), final judgment will be  
10 entered by separate document.

11  
12  
13 DATED: September 3, 2014



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14 HON. VALERIE BAKER FAIRBANK  
15 UNITED STATES DISTRICT JUDGE

16 \_\_\_\_\_  
17 Magistrate Judge Parada was terminated, and the case referred to Magistrate Judge  
18 Segal, by Order issued June 24, 2014 (Doc 35). By Order issued June 27, 2014 (Doc  
19 36), Magistrate Judge Segal extended the objection deadline to July 11, 2014.  
20 Nonetheless, petitioner did not file any objections, or any motion for a further  
21 extension of time, by July 11, 2014. Instead, after the deadline elapsed, petitioner  
22 mailed a document entitled "This is the Response to the Attorney General[']s Reply"  
(Doc 37), which the Court has treated as objections to the R&R. The Clerk of Court  
23 entered that document on July 31, 2014 with a file date of July 28, 2014.

24 The Court has exercised its discretion to consider petitioner's untimely  
25 objections. *See, e.g., Pearson v. Reynolds Sch. Dist. No. 7*, No. 3:12-CV-1146-HU,  
26 2014 WL 715510, \*26 n.1 (D. Or. Feb. 24, 2014) ("Although Plaintiff's objections  
27 were untimely, the Court, in the exercise of its discretion, considers them in order to  
ensure [that] all of the parties' arguments have been reviewed by the Court."). The  
Court determines that petitioner's objections fail to identify any defect of law, fact,  
or logic in Magistrate Judge Parada's well-reasoned R&R.