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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVON CAREY GRIFFITH,
Petitioner,
v.
SANDRA ALFARO, Warden,
Respondent.

Case No. CV 14-03251-JVS (KES)

ORDER ACCEPTING FINDINGS AND
RECOMMENDATIONS OF UNITED
STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the other records on file herein, and the Final Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge with one addition.

Petitioner contends that the time for modifying his sentence on his drug conviction under California Penal Code Section 170(d) had lapsed, and that there was a jurisdiction defect in the modified sentence. (Objection to Magistrate's Report and Recommendation, p. 4.) Assuming habeas relief is available for pure errors of state law, the error was harmless since the resentencing resulted in a reduced sentence. See Brecht v. Abrahamson, 507 U.S. 619, 637-38 (1993).

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IT IS THEREFORE ORDERED that Judgment be entered dismissing the
Petition with prejudice.

DATED: January 23, 2017



JAMES V. SELNA
UNITED STATES DISTRICT JUDGE