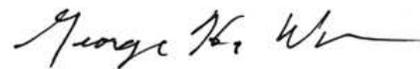


1 raise them for the first time at the objection stage. The Court therefore will not
2 consider them. *See United States v. Howell*, 231 F.3d 615, 623 (9th Cir. 2000)
3 (district court may decline to consider factual allegations raised for the first time in
4 objections to a magistrate judge’s report and recommendation where the specific
5 allegations were available before the magistrate’s proceedings ever began);
6 *Greenhow v. Secretary of Health & Human Services*, 863 F.2d 633, 638 (9th Cir.
7 1988) (“[A]llowing parties to litigate fully their case before the magistrate and, if
8 unsuccessful, to change their strategy and present a different theory to the district
9 court would frustrate the purposes of the Magistrates Act. We do not believe that
10 the Magistrate Act was intended to give litigants an opportunity to run one version
11 of their case past the magistrate, then another past the district court.”), *overruled on*
12 *other ground by United States v. Hardesty*, 977 F.2d 1347, 1348 (9th Cir. 1992).

13 The Court accepts the findings and recommendations of the Magistrate
14 Judge. IT THEREFORE IS ORDERED that (1) the Report and Recommendation
15 is accepted and adopted; (2) petitioner’s request for an evidentiary hearing is
16 denied; and (3) Judgment shall be entered denying the Second Amended Petition
17 and dismissing this action with prejudice.

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19 DATED: June 30, 2017

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23 GEORGE H. WU
24 UNITED STATES DISTRICT JUDGE
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