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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

<b>ERNIE SANDOVAL,</b>	)	<b>NO. CV 15-730-SJO (KS)</b>
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER ACCEPTING FINDINGS AND</b>
	)	<b>RECOMMENDATIONS OF UNITED</b>
	)	<b>STATES MAGISTRATE JUDGE</b>
<b>D.B. LONG,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	


Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus (“Petition”), all of the records herein, the Report and Recommendation of United States Magistrate Judge (“Report”), and Petitioner’s Objections to the Magistrate Judge’s Report and Recommendation (“Objections”). Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated.

The Court notes that, in concert with the Objections, Petitioner filed a Motion Requesting Leave to Amend or Attach (“Motion”), in which he appears to seek leave to add three new evidentiary exhibits to his original Petition. (Dkt. No. 65.) To the extent that Petitioner now seeks leave to amend the Petition, the Motion is DENIED. However, to the

1 extent that Petitioner asks the Court to consider these exhibits as part of his Objections, the  
2 Motion is GRANTED, and the Court exercises its discretion to consider evidence presented  
3 for the first time in objections to a report and recommendation. *See Brown v. Roe*, 279 F.3d  
4 742, 744-45 (9th Cir.2002); *United States v. Howell*, 231 F.3d 615, 621-22 (9th Cir. 2000).  
5 Having considered Exhibit H<sup>1</sup>, a letter from the California State Bar concerning Petitioner's  
6 relatives' application for reimbursement from the Client Security Fund, Exhibit W, a letter  
7 from the Montebello Police Department that the Court ordered added to the Petition as an  
8 attachment on November 9, 2015 (*see* Dkt. No. 49), and Exhibit X, a statement of facts  
9 submitted to the Los Angeles County District Attorney's Office by the Los Angeles County  
10 Sheriff's Department on May 11, 2010, the Court concludes that this evidence does not affect  
11 the correctness of the Report's conclusions.

12  
13 Having completed its review, the Court accepts the findings and recommendations set  
14 forth in the Report, with the exception of the phrase "from close range" found in footnote 3 on  
15 page 25 the Report. Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2)  
16 Judgment shall be entered dismissing this action with prejudice.

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18 DATED: May 7, 2016

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20 S. JAMES OTERO  
21 UNITED STATES DISTRICT JUDGE  
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