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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

WILLIAM SCOTT ROBERTS,  
Petitioner,  
v.  
J. LIZARRAGA  
Respondent.

) Case No. CV 15-5234 DOC(JC)  
)  
) ORDER ACCEPTING FINDINGS,  
) CONCLUSIONS, AND  
) RECOMMENDATIONS OF  
) UNITED STATES MAGISTRATE  
) JUDGE  
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Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody and supporting documents (“Petition”) and all of the records herein, including the October 2, 2017 Report and Recommendation of United States Magistrate Judge (“Report and Recommendation”), and petitioner’s objections to the Report and Recommendation (“Objections”). The Court has further made a *de novo* determination of those portions of the Report and Recommendation to which objection is made.<sup>1</sup> The Court concurs with and accepts the findings, conclusions, and recommendations of

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<sup>1</sup>This Court, in an exercise of its discretion, declines to consider new evidence presented for the first time in the Objections. See United States v. Howell, 231 F.3d 615, 621 (9th Cir. 2000), cert. denied, 534 U.S. 831 (2001). The Court nonetheless notes that consideration of such new evidence would not alter the outcome of this matter.

1 the United States Magistrate Judge and overrules the Objections. To the extent  
2 petitioner complains that the Report and Recommendation failed to consider his  
3 “reply”/“traverse” (Objections at 1, referencing petitioner’s October 7, 2016  
4 submission [Docket No. 33] and Report and Recommendation at 2), the Court  
5 notes that the document which petitioner now characterizes as his  
6 “reply”/“traverse” (Docket No. 33) was filed more than two weeks *before*  
7 respondent filed an Answer on October 25, 2016, and thus could not be responsive  
8 thereto. In any event, review of the submission petitioner refers to as his  
9 “reply”/“traverse” does not alter this Court’s view that the Report and  
10 Recommendation is correct and that petitioner is not entitled to federal habeas  
11 relief.

12 IT IS ORDERED that Judgment be entered denying the Petition and  
13 dismissing this action with prejudice.

14 IT IS FURTHER ORDERED that the Clerk serve copies of this Order, the  
15 Report and Recommendation, and the Judgment herein on petitioner and counsel  
16 for respondent.

17 LET JUDGMENT BE ENTERED ACCORDINGLY.

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19 DATED: November 30, 2017

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23 HONORABLE DAVID O. CARTER  
24 UNITED STATES DISTRICT JUDGE  
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