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

JONATHAN HIGGINS,)	Case No. CV 15-9614-ODW (JPR)
)	
Petitioner,)	
)	ORDER ACCEPTING FINDINGS AND
v.)	RECOMMENDATIONS OF U.S.
)	MAGISTRATE JUDGE
WILLIAM L. MUNIZ, Warden,)	
)	
Respondent.)	
)	

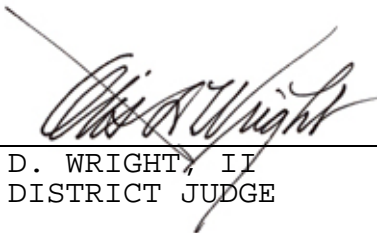
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file, and Report and Recommendation of U.S. Magistrate Judge. On March 6, 2017, Petitioner filed objections to the R. & R., in which he mostly simply repeats in conclusory fashion some of the arguments in his Petition. His arguments were thoroughly addressed and rejected in the R. & R.

Having made a de novo determination of those portions of the R. & R. to which Petitioner has filed objections, the Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that Respondent's motion to dismiss is denied as moot, the Petition is summarily denied as time

1 barred, and Judgment be entered dismissing this action with
2 prejudice.¹

3
4 DATED: March 23, 2017


OTIS D. WRIGHT, II
U.S. DISTRICT JUDGE

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25 ¹ Petitioner's objections also purport to be a notice of
26 appeal. But because judgment had not yet been entered at that
27 time, the notice is ineffective to appeal from the Court's
28 decision. See Burnside v. Jacquez, 731 F.3d 874, 875 (9th Cir.
2013) ("A notice of appeal from a magistrate judge's report and
recommendation is ineffective."). Petitioner must file a new
notice of appeal under Federal Rule of Appellate Procedure
4(a)(1).