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

<b>CHARLES HOLMES,</b>	)	<b>NO. CV 16-311-MWF (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>JEFF MACOMBER, Warden,</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.

Petitioner makes novel assertions in, and appends several newly-presented exhibits to, his Objections. A district court has discretion, but is not required, to consider evidence or arguments presented for the first time in objections to a report and recommendation. *See Brown v. Roe*, 279 F.3d 742, 744-45 (9th Cir. 2002); *United States v. Howell*, 231 F.3d 615,

1 621-22 (9th Cir. 2000). The Court has exercised its discretion to consider Petitioner's new  
2 assertions and evidence, but concludes that they do not alter the analysis and conclusions set  
3 forth in the Report.  
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5 Having completed its review, the Court accepts the findings and recommendations set  
6 forth in the Report. Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2)  
7 Judgment shall be entered dismissing this action with prejudice.  
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9 DATED: November 1, 2016

  
10 MICHAEL W. FITZGERALD  
11 UNITED STATES DISTRICT JUDGE  
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