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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

BRUCE LLEWELLYN PORTER,

Petitioner,

v.

RAYMOND MADDEN,

Respondent.

Case No. LA CV 17-01429-VBF-SK

ORDER

Overruling Petitioner’s Objections;
Adopting Report & Recommendation;

Denying the Habeas Corpus Petition;

Dismissing the Action With Prejudice;
Directing Separate COA Ruling;
Directing Entry of Separate Final Judgment;

Terminating and Closing the Action (JS-6)

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72, the Court has reviewed the Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. section 2254 ("petition") (CM/ECF Document ("Doc") 1), the respondent warden's answer and accompanying memorandum (Doc 2), the relevant decision(s) of the California state courts, the state-court "lodged documents" submitted by the respondent in paper form (listed in the index at Doc 12), petitioner's traverse (Doc 13), the Report and Recommendation ("R&R") issued by the United States Magistrate Judge pursuant to Fed. R. Civ. P. 72(b)(1) and 28 U.S.C. § 636(b)(1)(B) on July 13, 2017 (Doc 15), petitioner's August 11, 2017 objections to the R&R (Doc 16), and the applicable law. The time for

1 the respondent warden to respond to the objections elapsed several weeks ago, and the respondent
2 has neither filed a response nor sought an extension of time in which to do so.

3 “As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review of the
4 portions of the R&R to which petitioner has specifically objected and finds no defect of law, fact,
5 or logic in the . . . R&R.” *Rael v. Foulk*, 2015 WL 4111295, *1 (C.D. Cal. July 7, 2015), *COA*
6 *denied*, No. 15-56205 (9th Cir. Feb. 18, 2016).

7 “The Court finds discussion of [the] objections to be unnecessary on this record. The
8 Magistrates Act ‘merely requires the district judge to make a de novo determination of those portions
9 of the report or specified proposed findings or recommendation to which objection is made.’” It
10 does not require the district judge to provide a written explanation of the reasons for rejecting
11 objections. *See MacKenzie v. California AG*, 2016 WL 5339566, *1 (C.D. Cal. Sept. 21, 2016)
12 (Fairbank, J.) (quoting *US ex rel. Walterspiel v. Bayer AG*, 639 F. App’x 164, 168-69 (4th Cir.) (per
13 curiam) (“The district court complied with this requirement. Accordingly, we find no procedural
14 error in the district court’s decision not to address specifically Walterspiel’s objections.”), *cert.*
15 *denied*, – U.S. –, 137 S. Ct. 162 (2016)) (brackets & internal quote marks omitted). “This is
16 particularly true where, as here, the objections are plainly unavailing.” *Smith v. California Judicial*
17 *Council*, 2016 WL 6069179, *2 (C.D. Cal. Oct. 17, 2016).

18 Accordingly, the Court will accept the Magistrate Judge's findings and conclusions and
19 implement his recommendations.

20
21 ORDER

22 Petitioner's objection [**Doc # 16**] is **OVERRULED**.

23 The Magistrate Judge’s Report and Recommendation [**Doc # 15**] is **ADOPTED**.

24 The petition for a writ of habeas corpus [**Doc # 1**] is **DENIED**.

25
26 **The Court will contemporaneously rule on a certificate of appealability.** *See Henderson*
27 *v. United States*, 2015 WL 66509, *2 (D. Idaho Jan. 5, 2015) (Winmill, C.J.). **The COA ruling will**
28 **be made by separate order.** *See, e.g., Roybal v. Davis*, 148 F. Supp.2d 958, 1125 (S.D. Cal. 2015).

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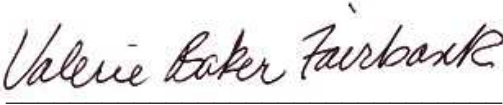
Final judgment will be entered consistent with this order and with the R&R.

As required by Fed. R. Civ. P. 58(a), judgment will be separate document.

This action is DISMISSED with prejudice.

The case SHALL BE TERMINATED and closed (JS-6).

Dated: September 15, 2017



Valerie Baker Fairbank
Senior United States District Judge