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

LARA ANDRES MICHAL,
Petitioner,
v.
DEAN BORDERS, Warden,
Respondent.

Case No. CV 17-07234 DOC (RAO)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the records and files herein, and the Magistrate Judge’s Report and Recommendation (“Report”). Further, the Court has engaged in a *de novo* review of those portions of the Report to which Petitioner has objected. The Report sufficiently addresses the bulk of the arguments made by Petitioner in his Objections. However, one argument raised in the Objections warrants further discussion.

Petitioner contends that, contrary to what is stated in the Report, that he has been denied a youth offender hearing. (Objections at 2, Dkt. No. 13.) Petitioner asserts that the parole hearing provided to him was an adult parole hearing, at which he was evaluated as an “Adult Criminal.” (*Id.*) Petitioner’s contention rests on the premise that Senate Bill 260 mandates that youth offenders be evaluated for parole eligibility under the standards of juvenile delinquency. (*Id.* at 1.) Petitioner

1 misconstrues the relief provided to youth offenders by the enactment of Senate Bill
2 260. As stated in the Report, Senate Bill 260 established a parole eligibility
3 mechanism for offenders under the age of 18 years at the time of the controlling
4 offense and who have certain sentences. The new law did not establish different
5 criteria for evaluating youth offenders as distinguished from adult offenders. *See*
6 *generally* 2013 Cal. Legis. Ch. 312 (S.B. 260) (West); Cal. Pen. Code § 3051.

7 Accordingly, the Court accepts and adopts the findings, conclusions, and
8 recommendations of the Magistrate Judge.

9 IT IS ORDERED that the Petition is denied, and Judgment shall be entered
10 dismissing this action with prejudice.

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DATED: 01/11/18



DAVID O. CARTER
UNITED STATES DISTRICT JUDGE