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

SHONTE MOSLEY,)	NO. CV 17-9149-PA (KS)
Petitioner,)	
v.)	ORDER ACCEPTING FINDINGS AND
)	RECOMMENDATIONS OF UNITED
D. BRAUGHMAN, Warden,)	STATES MAGISTRATE JUDGE
Respondent.)	
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended 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.


The Court notes that Petitioner filed exhibits with his Objections, including an unsigned 2016 declaration from Petitioner’s co-defendant. (Dkt. No. 18.) The Court exercises its discretion to consider evidence 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.*

1 *Howell*, 231 F.3d 615, 621-22 (9th Cir. 2000). The Court concludes that this evidence does
2 not affect the correctness of the Report's conclusions.

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4 Having completed its review, the Court accepts the findings and recommendations set
5 forth in the Report. Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2)
6 Judgment shall be entered dismissing this action with prejudice.

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8 DATED: November 21, 2018

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PERCY ANDERSON
UNITED STATES DISTRICT JUDGE