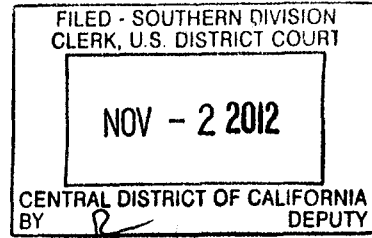


I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL POSTAGE PREPAID, TO ALL COUNSEL <sup>Petitioner</sup> (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE.

DATED: 11-2-12  
DEPUTY CLERK



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

RICARDO CARRANZO PEREZ,	)	Case No. EDCV 11-1833-AG (JPR)
	)	
Petitioner,	)	
	)	ORDER ACCEPTING FINDINGS AND
vs.	)	RECOMMENDATIONS OF U.S.
	)	MAGISTRATE JUDGE
DOMINGO URIBE, JR., Warden,	)	
	)	
Respondent.	)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed de novo the Petition, records on file, and Report and Recommendation of the U.S. Magistrate Judge. On September 17, 2012, Petitioner filed Objections to the Report and Recommendation, in which he mostly simply reargues his claims. In addition, however, Petitioner argues that the Magistrate Judge erred when she described the California Supreme Court as having "summarily denied" his Petition for Review because "[t]hat would mean that the California Supreme Court actually read" the petition and "concluded" that it "had no merit." (Objections at 4.) Because, Petitioner claims, the state supreme court did not actually review the petition, he asks that this Court "order the California Supreme Court to Review this Petition on it's own merits as the 14th Amendment of the United States Constitution

1 allows." (Id.)

2       Petitioner seems to misunderstand the Magistrate Judge's use  
3 of the term "summary denial." He equates it to "summary  
4 judgment" and argues that it necessarily means a determination on  
5 the merits. (Id.) In context, however, "summary denial" means  
6 simply without explanation of any kind. The Magistrate Judge  
7 understood that "under California law, the state supreme court's  
8 discretionary denial of a petition for review is decidedly not a  
9 decision on the merits," see Williams v. Cavazos, 646 F.3d 626,  
10 636 (9th Cir. 2011), cert. granted, 132 S. Ct. 1088 (U.S. Jan.  
11 13, 2012) (No. 11-465), which is why she applied the "look  
12 through" doctrine (see Rep. & Rec. at 2).

13       Having made a de novo determination of those portions of the  
14 Report and Recommendation to which Petitioner has filed  
15 Objections, the Court accepts the findings and recommendations of  
16 the Magistrate Judge.

17       IT THEREFORE IS ORDERED that (1) the Petition is DENIED  
18 without leave to amend; (2) Petitioner's requests for an  
19 evidentiary hearing and appointment of counsel are DENIED; and  
20 (3) Judgment be entered dismissing this action with prejudice.

21  
22  
23 DATED: October 31, 2012



24 ANDREW J. GUILFORD  
25 U.S. DISTRICT JUDGE  
26  
27  
28