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

JOSHUA LEE FLORES,)	Case No. EDCV 16-0102-DSF (JPR)
)	
Petitioner,)	
)	ORDER ACCEPTING FINDINGS AND
v.)	RECOMMENDATIONS OF U.S.
)	MAGISTRATE JUDGE
ROBERT W. FOX, 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 U.S. Magistrate Judge. On May 22, 2017, Petitioner filed Objections to the R. & R. He raises three objections, which essentially repeat his arguments in the Petition and Traverse. Two objections require brief discussion, however.

First, Petitioner contends that the statutory maximum for first-degree burglary is six years and thus his 16-year sentence was an abuse of discretion. (Objs. at 2.) But as the Magistrate Judge pointed out in the R. & R. (R. & R. at 15-16), the trial court properly exercised its discretion in imposing the upper term of six years for the burglary conviction and 10 years for the related gun enhancement. Second, Petitioner contends that

1 the trial court improperly relied on his "planning,
2 sophistication, and professionalism" in robbing the Allens as an
3 enhancement because he was acquitted of the robbery charge.
4 (Objs. at 2.) But as the Magistrate Judge pointed out in the R.
5 & R. (R. & R. at 17), the state courts found that Petitioner's
6 "planning, sophistication, and professionalism" were reasonably
7 related to his gun use during the burglary, not just the robbery.

8 Having reviewed de novo those portions of the R. & R. to
9 which objections were filed, the Court accepts the findings and
10 recommendations of the Magistrate Judge. IT THEREFORE IS ORDERED
11 that the Petition is denied and Judgment be entered dismissing
12 this action with prejudice.

13 6/20/17

14 DATED: _____



DALE S. FISCHER
U.S. DISTRICT JUDGE