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

DEMUS LUSHAN PETERSON, Petitioner, v. ERIC ARNOLD (Warden), Respondent.	}	Case No. ED CV 17-00610-VBF-SHK ORDER Overruling Petitioner’s Objections; Adopting the Report & Recommendation; Denying the Habeas Corpus Petition; Dismissing the Action With Prejudice; Directing Separate COA Ruling; Directing Entry of Final Judgment; Terminating and Closing Action (JS-6)
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Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 ("petition") (CM/ECF Document (“Doc”) 1), respondent’s answer (Doc 11), the state-court documents lodged by respondent in paper form (listed at Doc 12), 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 December 11, 2017 (Doc 15), petitioner's objections to the R&R (Doc 20), and the applicable law. “Federal Rule of Civil Procedure 72(b)(2) gave respondent a right to respond to the objections, but the time to do so has elapsed and respondent has filed neither a response nor a request for an extension of time. Accordingly, the Court proceeds to the merits without

1 waiting further.” *Ruelas v. Muniz*, 2016 WL 540769, *1 (C.D. Cal. Feb. 9, 2016).

2 “As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo
3 review of the portions of the R&R to which petitioner has specifically objected and
4 finds no defect of law, fact, or logic in the . . . R&R.” *Rael v. Foulk*, 2015 WL 4111295,
5 *1 (C.D. Cal. July 7, 2015), *COA denied*, No. 15-56205 (9th Cir. Feb. 18, 2016). The Court
6 finds discussion of the objections unnecessary on this record. “The Magistrates Act
7 ‘merely requires the district judge to make a de novo determination of those. . . specified
8 proposed findings or recommendations to which objection is made.’” It does not require a
9 written explanation of the reasons for rejecting objections. *MacKenzie v. Calif. AG*, 2016
10 WL 5339566, *1 (C.D. Cal. Sept. 21, 2016) (quoting *US v. Bayer AG*, 639 F. App’x 164,
11 168-69 (4th Cir.) (per curiam)), *cert. denied*, 137 S. Ct. 162 (2016)). “This is particularly true
12 where, as here, the objections are plainly unavailing.” *Smith v. Calif. Jud. Council*, 2016 WL
13 6069179, *2 (C.D. Cal. Oct. 17, 2016). Accordingly, the Court will accept the Magistrate
14 Judge's factual findings and legal conclusions and implement his recommendations.

15
16 ORDER

17 Petitioner's objection [**Doc # 20**] is **OVERRULED**.

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

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

20 The Court will rule on a certificate of appealability by separate order.

21 Final judgment consistent with this order will be entered separately as required by
22 Fed. R. Civ. P. 58(a). See *Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013).

23 **This action is DISMISSED with prejudice.**

24 **The case SHALL BE TERMINATED (JS-6).**

25
26 Dated: March 7, 2018



27 Hon. Valerie Baker Fairbank
28 Senior United States District Judge