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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

**DOUGLAS MACKENZIE,**

Petitioner,

v.

**CALIFORNIA ATTORNEY GENERAL,  
U.S. ATTORNEY GENERAL, et al.,**

Respondents.

**Case No. SA CV 12-00432-VBF-JC**

**ORDER**

Overruling Petitioner’s Objections;  
Adopting the Report & Recommendation;

Denying the Habeas Corpus Petition;

Dismissing the Action With Prejudice;

Directing Entry of Separate COA Ruling;

Directing Entry of Separate Final Judgment;  
Terminating and Closing the Action (JS-6)

**Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the First Amended Petition for a Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. section 2254** ("petition") (CM/ECF Document (“Doc 105”), the respondent warden's answer and accompanying memorandum (Docs 108 and 109), the relevant decision(s) of the California state courts, the state-court “lodged documents” submitted by the respondent in paper form (listed in Doc 20, the Notice of Lodging filed with respondent’s answer to the original habeas petition), petitioner's reply (sealed full version at Doc 121, redacted public version at Doc 113) and accompanying exhibits (Docs 114 and 122), respondent’s sur-reply filed with leave of Court (Doc 118), petitioner

1 MacKenzie’s November 2015 Citation of Supplemental Authorities (Doc ), the Report and  
2 Recommendation ("R&R") issued by the United States Magistrate Judge pursuant to Fed. R. Civ.  
3 P. 72(b)(1) and 28 U.S.C. § 636(b)(1)(B) on April 11, 2016 (Doc 126), petitioner's timely September  
4 13, 2016 objections to the R&R (Doc 133), and the applicable law.

5  
6 **“Federal Rule of Civil Procedure 72(b)(2) gave respondent a right to respond to the**  
7 **objections, but the time to do so has elapsed and respondent has filed neither a response nor**  
8 **a request for an extension of time.** Accordingly, the Court proceeds to the merits without waiting  
9 further.” *Ruelas v. Muniz*, No. SA CV 14-01761, 2016 WL 540769, \*1 (C.D. Cal. Feb. 9, 2016)  
10 (Fairbank, J.). “As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review  
11 of the portions of the R&R to which petitioner has specifically objected and finds no defect of law,  
12 fact, or logic in the . . . R&R.” *Rael v. Foulk*, No. LA CV 14-02987 Doc. 47, 2015 WL 4111295,  
13 \*1 (C.D. Cal. July 7, 2015), *COA denied*, No. 15-56205 (9th Cir. Feb. 18, 2016). The Court finds  
14 discussion of petitioner’s objections to be unnecessary on this record. *Accord United States ex rel.*  
15 *Walterspiel v. Bayer AG*, 639 F. App’x 164, 168-69 (4<sup>th</sup> Cir. 2016) (per curiam) (Keenan, Harris,  
16 Hamilton) (“[The Magistrate Act] “merely requires the district court to ‘make a de novo  
17 determination of those portions of the report or specified proposed findings or recommendation to  
18 which objection is made.’ The district court complied with this requirement. Accordingly, we find  
19 no procedural error in the district court’s decision not to address specifically Walterspiel’s  
20 objections.”), *pet. cert. filed*, No. 16-8 (U.S. June 29, 2016).

21 Accordingly, finding no defect of law, fact, or logic in Magistrate Judge Chooljian’s well-  
22 reasoned R&R, the Court will adopt the R&R, accept the Magistrate Judge’s factual findings and  
23 legal conclusions, and implement her recommendations.

24  
25 ORDER

26 Petitioner's objection **[Doc #133] is OVERRULED.**

27 The Report and Recommendation **[Doc #126] is ADOPTED.**

28 The First Amended Petition for a Writ of Habeas Corpus **[Doc #105] is DENIED.**

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

Final judgment will be entered in favor of respondent consistent with this order.

"As required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document."  
*Toy v. Soto*, 2015 WL 2168744, \*1 (C.D. Cal. May 5, 2015) (citing *Jayne v. Sherman*, 706 F.3d 994, 1009 (9th Cir. 2013)) (footnote 1 omitted), *appeal filed*, No. 15-55866 (9th Cir. June 5, 2015).

This action is **DISMISSED** with prejudice.

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

Dated: Wednesday, September 21, 2016



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Valerie Baker Fairbank  
Senior United States District Judge