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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

FRITZ JEAN BAPTISTE,

Petitioner,

v.

FRANCES M. RAMIREZ-JACKSON,

Respondent.

Case No. LA CV 16-01416-VBF-AFM

ORDER

-) Overruling Petitioner’s Objections;
-) Adopting Report & Recommendation;
-) Denying the Habeas Corpus Petition;
-) Dismissing the Action With Prejudice;
-) Directing Entry of Separate Final Judgment;
-) Terminating and Closing the Action (JS-6)

This is an action for a Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. section 2254. Pursuant to his authority under Fed. R. Civ. P. 72(b)(1), title 28 U.S.C. section 636(b)(1)(B), and C.D. Cal. Local Civil Rule 72-3.3, the United States Magistrate Judge issued a Report and Recommendation (“R&R”) on December 27, 2016. *See* Case Management / Electronic Case Filing System Document (“Doc”) Doc 17.

Pursuant to 28 U.S.C. § 636(b)(1), the Court has reviewed the habeas corpus petition (Doc 1), the relevant decision(s) of the California state courts, respondent’s motion to dismiss (Doc 8) and accompanying exhibits and declarations (Doc 8-1 through 8-13),

1 petitioner Baptiste’s response brief (Doc 11), the Magistrate Judge’s R&R (Doc 17),
2 petitioner’s timely objections to the R&R (Doc 18), respondent’s status report filed
3 December 22, 2016 (Doc 15), and the applicable law.

4
5 “Federal Rule of Civil Procedure 72(b)(2) gave respondent a right to respond to the
6 objections, but the time to do so has elapsed and respondent has filed neither a response nor a request
7 for an extension of time. Accordingly, the Court proceeds to the merits without waiting further.”
8 *Ruelas v. Muniz*, No. SA CV 14-01761, 2016 WL 540769, *1 (C.D. Cal. Feb. 9, 2016) (Fairbank,
9 J.). “As required by Fed. R. Civ. P. 72(b)(3), the Court has engaged in de novo review of the
10 portions of the R&R to which petitioner has specifically objected and finds no defect of law, fact,
11 or logic in the . . . R&R.” *Rael v. Foulk*, No. LA CV 14-02987 Doc. 47, 2015 WL 4111295, *1
12 (C.D. Cal. July 7, 2015), *COA denied*, No. 15-56205 (9th Cir. Feb. 18, 2016).

13
14 “The Court finds discussion of [the] objections to be unnecessary on this record. The
15 Magistrates Act ‘merely requires the district judge to make a de novo determination of those portions
16 of the report or specified proposed findings or recommendation to which objection is made.’” It
17 does not require the district judge to provide a written explanation of the reasons for rejecting
18 objections. *See MacKenzie v. California AG*, No. SA CV 12-00432, 2016 WL 5339566, *1 (C.D.
19 Cal. Sept. 21, 2016) (Fairbank, J.) (quoting *United States ex rel. Walterspiel v. Bayer AG*, 639 F.
20 App’x 164, 168-69 (4th Cir.) (per curiam) (“The district court complied with this requirement.
21 Accordingly, we find no procedural error in the district court’s decision not to address specifically
22 Walterspiel’s objections.”), *cert. denied*, – U.S. –, 137 S. Ct. 162 (Oct. 3, 2016) (brackets & internal
23 quotation marks omitted). This is particularly true where, as here, the objections are plainly
24 unavailing.

25
26 Accordingly, the Court will accept the Magistrate Judge's factual findings and legal
27 conclusions and implement the Magistrate Judge's recommendations.

1 ORDER

2 Petitioner's objections are **OVERRULED**.

3 The Report and Recommendation is **ADOPTED**.

4 The petition for a writ of habeas corpus is **DENIED**.

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

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

9 "As required by Fed. R. Civ. P. 58(a), the Court will enter judgment by separate document."

10 *Toy v. Soto*, 2015 WL 2168744, *1 (C.D. Cal. May 5, 2015) (citing *Jayne v. Sherman*, 706 F.3d 994,
11 1009 (9th Cir. 2013)) (footnote 1 omitted), *appeal filed*, No. 15-55866 (9th Cir. June 5, 2015).

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

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

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17 Dated: Tuesday, January 31, 2017



18 Valerie Baker Fairbank
19 Senior United States District Judge
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