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

<b>GORDON RAY BODKIN,</b>	)	<b>NO. SACV 16-2211-BRO (KS)</b>
	)	
<b>Petitioner,</b>	)	
	)	<b>ORDER ACCEPTING FINDINGS AND</b>
<b>v.</b>	)	<b>RECOMMENDATIONS OF UNITED</b>
	)	<b>STATES MAGISTRATE JUDGE</b>
<b>KIM HOLLAND, Warden,</b>	)	
	)	
<b>Respondent.</b>	)	
_____	)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus (“Petition”), all of the records herein, the Report and Recommendation of United States Magistrate Judge (“Report”), and Petitioner’s Objections to the Magistrate Judge’s Report and Recommendation (“Objections”). Pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), the Court has conducted a *de novo* review of those portions of the Report to which objections have been stated. Having completed its review, the Court accepts the findings and recommendations set forth in the Report.

Petitioner appears to seek an evidentiary hearing in the Objections. For the reasons stated in the Report, the Court was able to resolve the merits of Petitioner’s federal habeas claims solely by reference to the state court records. *See Gandarela v. Johnson*, 286 F.3d

1 1080, 1087 (9th Cir. 2001) (petitioner not entitled to evidentiary hearing because he failed to  
2 show “what more an evidentiary hearing might reveal of material import”). Further, the  
3 Court’s ability to consider new evidence obtained through an evidentiary hearing is  
4 constrained by 28 U.S.C. § 2254(e)(2), and Petitioner has not satisfied this standard. 28  
5 U.S.C. § 2254(e)(2); *see also Pinholster*, 563 U.S. at 186.

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7 Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2) Judgment  
8 shall be entered dismissing this action with prejudice.

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11 DATED: September 1, 2017

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13 BEVERLY REID O’CONNELL  
14 UNITED STATES DISTRICT JUDGE  
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