

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

|               |   |                                    |
|---------------|---|------------------------------------|
| CURTIS OWENS, | ) |                                    |
|               | ) | 1:03-cv-05327-LJO-BAK-SMS HC       |
| Petitioner,   | ) |                                    |
|               | ) | ORDER ADOPTING FINDINGS AND        |
|               | ) | RECOMMENDATION                     |
| v.            | ) | (Doc. 87)                          |
|               | ) |                                    |
| E. ROE,       | ) | ORDER DENYING REQUEST TO           |
|               | ) | ENTERTAIN LIMITED REMAND (Doc. 77) |
| Respondent.   | ) |                                    |
|               | ) | ORDER DENYING MOTION TO REMAND     |
|               | ) | (Doc. 80)                          |

---

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 20, 2007, the Court entered judgment denying the petition on its merits. (Doc. 54).

Subsequently, on appeal, Petitioner's counsel filed a Request to Entertain Limited Remand and a Motion to Remand. (Docs. 77 & 80). On October 30, 2009, the Magistrate Judge assigned to the case filed a Findings and Recommendations recommending that both motions be denied. ([Doc. 87](#)). The Findings and Recommendations was served on all parties and contained notice that any objections were to be filed within twenty days from the date of service of that order. On November 19, 2009, Petitioner filed objections to the Magistrate Judge's Findings and Recommendations. ([Doc. 90](#)).

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including Petitioner's objections, the Court concludes that the Magistrate Judge's Findings and Recommendation is supported by the record and proper analysis. Petitioner's objections present no grounds for questioning the Magistrate

1 Judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

2 1. The Findings and Recommendation issued October 30, 2009 (Doc. 87), is ADOPTED IN  
3 FULL;

4 2. Petitioner's Request to Entertain Limited Remand (Doc. 77), and Motion to Remand (Doc.  
5 80), are DENIED.

6

7 IT IS SO ORDERED.

8 **Dated: December 2, 2009**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28