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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

MARK A. HARRIS,  
  
Petitioner,  
  
v.  
  
TOMMY FELKER, Warden, *et al.*,  
  
Respondents.

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Civil No. 07CV2216 JAH (BLM)  
  
**ORDER OVERRULING  
PETITIONER’S OBJECTION;  
ADOPTING THE MAGISTRATE  
JUDGE’S REPORT; AND  
DENYING THE PETITION FOR  
HABEAS CORPUS**

On November 19, 2007, petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. Respondent filed an answer to the petition on May 23, 2008 and petitioner filed a traverse on August 18, 2008. The Honorable Barbara Major, United States Magistrate Judge, issued a Report and Recommendation (“report”) denying the petition on August 21, 2008. Petitioner filed a general objection to the report on September 11, 2008. Defendant did not file a reply. For the reasons set forth below, this Court OVERRULES petitioner’s objection, ADOPTS the magistrate judge’s report, and DENIES the petition in its entirety.

Under 28 U.S.C. § 636(b)(1), the district court “shall make a *de novo* determination of those portions of the report . . .to which objection is made,” and “may accept, reject, modify, in whole or in part, the findings or recommendations made by the magistrate [judge].” It is well-settled, under Rule 72(b) of the Federal Rules of Civil Procedure, that

1 a district court may adopt those parts of a magistrate judge's report to which no specific  
2 objection is made, provided they are not clearly erroneous. Thomas v. Arn, 474 U.S. 140,  
3 153 (1985).

4 After analyzing each ground for relief, the magistrate judge issued a lengthy and well  
5 reasoned report recommending denial of the entire petition. Petitioner subsequently filed  
6 one general objection to the magistrate judge's decision; however, petitioner did not  
7 specifically object to any of the magistrate's factual findings or legal analysis. Although  
8 no specific objections were made, in an abundance of caution this court conducted a de  
9 novo review of the magistrate judge's report. Upon review, this Court ADOPTS the  
10 magistrate judge's report in its entirety and DENIES the instant petition for a writ of  
11 habeas corpus WITH PREJUDICE.

12 IT IS SO ORDERED.

13 DATED: September 28, 2009

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15 JOHN A. HOUSTON  
16 United States District Judge  
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