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8   **UNITED STATES DISTRICT COURT**

9   **SOUTHERN DISTRICT OF CALIFORNIA**

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11   TROY A. BARTHOLOMEW,   CASE NO. 08-CV-1270-IEG (NLS)

12   Petitioner,   **ORDER:**

13   vs.   **(1) ADOPTING THE
                                                   MAGISTRATE JUDGE'S REPORT**
14   **[Doc. No. 11]; and**

15   KATHY MENDOZA-POWERS, Warden,   **(2) DENYING IN PART THE
                                                   PETITION FOR WRIT OF**
16   Respondent.   **HABEAS CORPUS [Doc. No. 1].**

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18   On July 14, 2008, petitioner Troy Bartholomew, a state prisoner proceeding *pro se*, filed a

19   petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the Board of Parole

20   Hearings' November 14, 2006 decision to deny him parole. (Doc. No. 1.) Petitioner claims the Board

21   failed to consider the "individualized factors" of his case, in violation of his Sixth Amendment,[1] due

22   process, and equal protection rights.

23   This matter was referred to United States Magistrate Nita L. Stormes pursuant to 28 U.S.C.

24   § 636(b)(1)(B). On March 13, 2009, Magistrate Judge Stormes issued a Report and Recommendation

25   recommending the Court deny the petition for writ of habeas corpus in part because Petitioner had not

26   set forth a colorable equal protection claim. (Doc. No. 11.) Any objections to the Report and

27   _____

28   [1] The Court notes that although the petition and "oppositional briefing" briefly mention
     Petitioner's contention that his Sixth Amendment rights were violated, neither document sets forth the
     factual grounds supporting this contention.

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1 Recommendation were due April 20, 2009. Petitioner has not filed any objections as of the date of

2 this Order.

3   Accordingly, the Court ADOPTS the magistrate judge's well-reasoned Report and

4 Recommendation in its entirety, and DENIES IN PART the petition for writ of habeas corpus, with

5 respect to Petitioner's equal protection claim. Respondent shall file a response to the remaining

6 claims in the petition no later than **June 20, 2009**.

7 **IT IS SO ORDERED.**

8 **DATED: May 26, 2009**

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10 **IRMA E. GONZALEZ, Chief Judge**
    United States District Court

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