


1 Civ. P. 72(b)(2). Accordingly, no later than **January 28, 2011** Petitioner may file and serve
2 objections, if any, to the Second Report and Recommendation. However, based on Petitioner's
3 habit of including new legal theories of statute of limitations tolling with each opportunity he has
4 to address the court, as stated in the August 23, 2010 order and reiterated in the Second Report
5 and Recommendation, in the absence of showing of good cause, the Court is not inclined to
6 consider Petitioner's objections to the extent they are based on new evidence or argument.

7 Any reply to Petitioner's objections shall be filed and served no later than **February 11,**
8 **2011.** The parties are advised that failure to file objections within the specified time may waive
9 the right to raise those objections on appeal of this order. *Martinez v. Ylst*, 951 F.2d 1153, 1156
10 (9th Cir. 1991).

11 **IT IS SO ORDERED.**

12 DATED: January 3, 2011

13 
14 M. James Lorenz
United States District Court Judge

15 COPY TO:

16 HON. PETER C. LEWIS
17 UNITED STATES MAGISTRATE JUDGE

18 ALL PARTIES/COUNSEL
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