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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

HERBERT SHEDD,

Plaintiff,

vs.

GEORGE A. NEOTTI,

Defendant.

CASE NO. 09CV2065 JLS (POR)

**ORDER: (1) ADOPTING REPORT
AND RECOMMENDATION;
(2) DENYING PLAINTIFF'S
PETITION FOR WRIT OF
HABEAS CORPUS**

(Doc. No. 13.)

Presently before the Court is Plaintiff's petition for writ of habeas corpus (Doc. No. 1), and Magistrate Judge Porter's report and recommendation recommending the Court deny Plaintiff's petition. (Doc. No. 15.)

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district court's duties in connection with a magistrate judge's report and recommendation. The district court must "make a de novo determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 673–76 (1980); *United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection, the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72 advisory committee's note

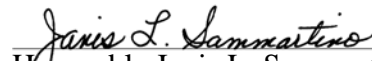
1 (citing *Campbell v. U.S. Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974)).

2 Here, Plaintiff has failed to timely file objections to Magistrate Judge Porter's report and
3 recommendation. Having reviewed the report and recommendation, the Court finds that it is
4 thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby (1) **ADOPTS**
5 Magistrate Judge Porter's report and recommendation and (2) **DENIES** Plaintiff's petition for
6 habeas corpus. This Order concludes the litigation in this matter. The Clerk shall close the file.

7 **IT IS SO ORDERED.**

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9 DATED: January 31, 2011

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11 Honorable Janis L. Sammartino
12 United States District Judge
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