




1 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3). However,  
2 “[t]he statute makes it clear that the district judge must review the magistrate judge’s findings  
3 and recommendations de novo *if objection is made*, but not otherwise.” *United States v.*  
4 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original), *cert*  
5 *denied*, 540 U.S. 900 (2003); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir.  
6 2005). “Neither the Constitution nor the statute requires a district judge to review, de novo,  
7 findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*,  
8 328 F.3d at 1121. Accordingly, the Court may grant Respondent’s motion to dismiss on this  
9 basis alone.

10 The Court has, however, reviewed the matter de novo and agrees that the motion to  
11 dismiss should be granted because the Petition is time-barred by the Antiterrorism and  
12 Effective Death Penalty Act’s one-year statute of limitations. The statute of limitations expired  
13 on May 27, 2010 and Petitioner did not file her Petition until July 28, 2010. Furthermore,  
14 Petitioner is not entitled to statutory tolling and she has not demonstrated she is entitled to  
15 equitable tolling.

16 In the absence of any objections and after a de novo review, the Court fully **ADOPTS**  
17 Judge Adler’s Report. The Petition is **DISMISSED**.

18  
19 **IT IS SO ORDERED.**

20  
21 DATED: April 13, 2011

  
Hon. Roger T. Benitez  
United States District Judge