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

MARILYN KAYE FREEMAN,

Petitioner,

vs.

MATTHEW CATE,

Respondent.

Case No. 10cv1987 DMS (MDD)

**ORDER DENYING SIXTH  
REQUEST FOR EXTENSION OF  
TIME, ADOPTING REPORT AND  
RECOMMENDATION, AND  
DENYING PETITION**

Petitioner Marilyn Kaye Freeman, proceeding *pro se*, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. The case was referred to United States Magistrate Judge Mitchell D. Dembin for a report and recommendation pursuant to 28 U.S.C. Section 636(b)(1)(B) and Civil Local Rule 72.1(d). July 31, 2012, the Magistrate Judge issued a Report and Recommendation recommending to deny the Petition.

Petitioner's objections to the Report and Recommendation were due on August 22, 2012. The due date has been extended five times to accommodate Petitioner's requests. Most recently, on November 26, 2012, in granting Petitioner's fifth request for extension of time, the due date was extended to December 7, 2012. Petitioner was warned no further extensions would be granted. On December 7, 2012, Petitioner did not file objections to the Report and Recommendation, but requested another extension of time. Petitioner's sixth request is denied.

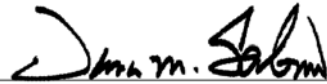
A district judge "may accept, reject, or modify the recommended disposition" on a dispositive matter prepared by a magistrate judge proceeding without the consent of the parties for all purposes.

1 Fed. R. Civ. P. 72(b); *see* 28 U.S.C. § 636(b)(1). "The court shall make a *de novo* determination of  
2 those portions of the [report and recommendation] to which objection is made." 28 U.S.C. §  
3 636(b)(1). When no objections are filed, the *de novo* review is waived. Section 636(b)(1) does not  
4 require review by the district court under a lesser standard. *Thomas v. Arn*, 474 U.S. 140, 149-50  
5 (1985). The "statute makes it clear that the district judge must review the magistrate judge's findings  
6 and recommendations *de novo if objection is made, but not otherwise.*" *United States v. Reyna-Tapia*,  
7 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (emphasis in original); *see Schmidt v. Johnstone*, 263  
8 F. Supp. 2d 1219, 1225-26 & n.5 (D. Ariz. 2003) (applying *Reyna-Tapia* to habeas review).

9 In the absence of objections, the court **ADOPTS** the Report and Recommendation. The  
10 petition is **DENIED** for the reasons stated in the Report and Recommendation. For the same reasons,  
11 certificate of appealability is also **DENIED**.

12 **IT IS SO ORDERED.**

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14 DATED: December 11, 2012



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16 HON. DANA M. SABRAW  
17 United States District Judge  
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