

1 timely filed but argues that Petitioner is not entitled to habeas relief. [Id.] Petitioner did not file a
2 traverse to his Petition.

3 The Court referred the matter to Magistrate Judge Ruben B. Brooks, who issued a Report
4 and Recommendation (“R & R”) recommending that the Petition be denied. [Doc. No. 16.] The R
5 & R concluded that ground one of the Petition should be denied because the California Supreme
6 Court’s decision comported with controlling U.S. Supreme Court authority, and the state court
7 reasonably found that Petitioner’s custodial admissions and confession were made voluntarily after
8 he had been properly advised of his Miranda rights, which he understood and validly waived. [Id.
9 at 19.] The R & R also concluded that ground two of the Petition should be denied because it
10 alleges a violation of state law, which is not cognizable on federal habeas review. [Id. at 21.] The
11 time for filing objections to the R & R passed on July 6, 2012 without Petitioner filing any
12 objections.

13 DISCUSSION

14 The Court reviews *de novo* those portions of the Report and Recommendation to which
15 objections are made. 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole
16 or in part, the findings or recommendations made by the magistrate judge.” Id. However, “[t]he
17 statute makes it clear that the district judge must review the magistrate judge’s findings and
18 recommendations *de novo* if objection is made, but not otherwise.” United States v. Reyna-Tapia,
19 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original). “Neither the Constitution
20 nor the statute requires a district judge to review, *de novo*, findings and recommendations that the
21 parties themselves accept as correct.” Id.

22 In this case, the time for filing objections to the R & R passed a month ago and Petitioner
23 has not to this date filed any objections. Accordingly, the Court may adopt the R & R on that basis
24 alone. See id. Having reviewed the Petition, Respondent’s answer, the relevant portions of the
25 state record lodged by Respondent, and the R & R, the Court hereby approves and **ADOPTS IN**
26 **FULL** the Report and Recommendation. See 28 U.S.C. § 636(b)(1).

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CONCLUSION

Having reviewed the Report and Recommendation and there being no objections, the Court **ADOPTS IN FULL** the Report and Recommendation and **DENIES** the Petition. The Court also **DENIES** a certificate of appealability because Petitioner has not “made a substantial showing of the denial of a constitutional right.” See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: August 2, 2012



IRMA E. GONZALEZ
United States District Judge