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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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

10
11 KOMOA GREENE,

Petitioner,

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13 vs.

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15 D.K. JOHNSON, Warden,

16 Respondent.

CASE NO. 12-CV-1824 BEN (BLM)

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION**

**(2) DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

[Docket No. 12]

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18 Petitioner Komoa Greene, a state prisoner proceeding *pro se*, filed the instant
19 Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1.)
20 Respondent filed a Response on November 15, 2012. (Docket No. 10.) Petitioner did
21 not file a traverse.

22 Magistrate Judge Barbara Major issued a thoughtful and thorough Report and
23 Recommendation recommending that the Petition be denied. (Docket No. 12.) Any
24 objections to the Report and Recommendation were due February 25, 2013. (*Id.*)
25 Neither party filed any objections. For the reasons that follow, the Report and
26 Recommendation is **ADOPTED**.

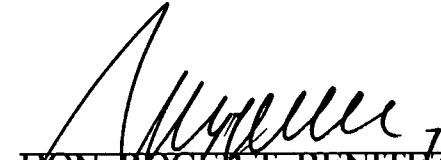
27 A district judge “may accept, reject, or modify the recommended disposition” of
28 a magistrate judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.

1 § 636(b)(1). “[T]he district judge must determine de novo any part of the [report and
2 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3).
3 However, “[t]he statute makes it clear that the district judge must review the magistrate
4 judge’s findings and recommendations de novo *if objection is made*, but not
5 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
6 banc) (emphasis in original); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th
7 Cir. 2005). “Neither the Constitution nor the statute requires a district judge to review,
8 de novo, findings and recommendations that the parties themselves accept as correct.”
9 *Reyna-Tapia*, 328 F.3d at 1121.

10 In the absence of any objections, the Court fully **ADOPTS** Judge Major’s Report
11 and Recommendation. The habeas petition is **DENIED**. The Clerk of Court shall enter
12 judgment denying the Petition.

13 **IT IS SO ORDERED.**

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15 DATED: March 8, 2013


HON. ROGER T. BENITEZ
United States District Judge

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