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

CORNELL HARRISON,

Petitioner,

vs.

C. TAMKEN, Warden,

Respondent.

CASE NO. 12-CV-2588 - IEG (WVG)
ORDER:
(1) ADOPTING IN FULL REPORT AND RECOMMENDATION;
[Doc. No. 8]
(2) DENYING PETITION FOR WRIT OF HABEAS CORPUS; AND
[Doc. No. 1]
(3) DENYING CERTIFICATE OF APPEALABILITY

Before the Court is Petitioner Cornell Harrison’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (the “Petition”). [Doc. No. 1.] Petitioner pled guilty in San Diego County Superior Court to one count of corporal punishment to a spouse and was sentenced to nine years in state prison and \$1,800 in restitution. [*Id.* at 1.] The Petition challenges the propriety of the ordered restitution. [*Id.* at 8.] Respondent filed a motion to dismiss the Petition as barred by the statute of limitations applicable under the Antiterrorism and Effective Death Penalty Act (“AEDPA”). [Doc. No. 6 at 3-5.]

The Court referred the matter to Magistrate Judge William V. Gallo, who issued a Report and Recommendation (“R & R”) recommending that the Court grant

1 Respondent's motion and dismiss the Petition as barred by the statute of limitations
2 applicable under AEDPA. [See *id.* at 12.] The time for filing objections to the R &
3 R expired on April 14, 2013. [See *id.* at 13.] Petitioner has not filed any objections.

4 DISCUSSION

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

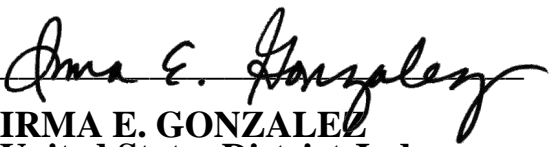
14 In this case, the deadline for objections passed over a month ago and no
15 objections have been filed. Accordingly, the Court may adopt the R & R on that
16 basis alone. *See id.* Having reviewed the Petition, Respondent’s motion to dismiss,
17 and the R & R, the Court hereby approves and **ADOPTS IN FULL** the R & R. *See*
18 28 U.S.C. § 636(b)(1).

19 CONCLUSION

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

24 **IT IS SO ORDERED.**

25 **DATED:** June 10, 2013

26 
27 **IRMA E. GONZALEZ**
28 **United States District Judge**