


1 A district judge “may accept, reject, or modify the recommended disposition” of
2 a magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); *see also* 28 U.S.C.
3 § 636(b)(1). “[T]he district judge must determine de novo any part of the [report and
4 recommendation] that has been properly objected to.” Fed. R. Civ. P. 72(b)(3).
5 However, “[t]he statute makes it clear that the district judge must review the magistrate
6 judge’s findings and recommendations de novo *if objection is made*, but not
7 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
8 banc); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005). “Neither
9 the Constitution nor the statute requires a district judge to review, de novo, findings
10 and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328
11 F.3d at 1121.

12 After a de novo review, and in the absence of any objections, the Court fully
13 **ADOPTS** Judge Major’s Report and Recommendation. The Petition is **DISMISSED**
14 as untimely.

15 The Court **DENIES** a certificate of appealability because the issues are not
16 debatable among jurists of reason and there are no questions adequate to deserve
17 encouragement. *See Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). The Clerk of
18 Court shall enter judgment **DISMISSING** the Petition.

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20 **IT IS SO ORDERED.**

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22 DATED: February 25, 2015

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24 
25 Hon. Roger T. Benitez
26 United States District Judge
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