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CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

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

STEVEN DANIEL DEJARLAIS,  
Petitioner,

Case No.: 15-cv-1005 BEN (MDD)

v.

**ORDER:**

AUDREY KING, Warden, et al.,  
Respondent.

**(1) ADOPTING REPORT AND  
RECOMMENDATION;**

**(2) DENYING PETITION;**

**(3) DENYING CERTIFICATE OF  
APPEALABILITY**

On May 5, 2015, Petitioner Steven Daniel DeJarlais filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Docket No. 1.) On July 27, 2015, Respondent filed an Answer. (Docket No. 9.) On October 14, 2015, Magistrate Judge Dembin issued a thorough and thoughtful Report and Recommendation, recommending that the Petition be denied. (Docket No. 14.) Petitioner filed an untimely, general objection. (Docket No. 16.)

**I. De Novo Review of Petition**

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

1 636(b)(1). Where a proper objection to a report and recommendation has been filed, the  
2 district court reviews *de novo* those portions of the report or specific proposed findings or  
3 recommendations *to which the petitioner objected*. 28 U.S.C. § 636(b)(1) (emphasis  
4 added). A general objection is tantamount to no objection at all. *See Alcantara v.*  
5 *McEwen*, No. 12-cv-401-IEG, 2013 WL 4517861, at \*1-2 (S.D. Cal. Aug. 15, 2013)  
6 (citing *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991)  
7 (“A general objection to the entirety of the magistrate’s report has the same effects as  
8 would a failure to object.”); *Lockert v. Faulkner*, 843 F.2d 1015, 1019 (7th Cir. 1988)  
9 (“[A]n objection stating only ‘I object’ preserves no issue for review.”); and *Goney v.*  
10 *Clark*, 749 F.2d 5, 7 (3d Cir. 1984)); *see also Martin v. Ryan*, No. cv-13-381, 2014 WL  
11 5432133, at \*2 (D. Ariz. Oct. 24, 2014) (citing *United States v. One Parcel of Real Prop.*,  
12 73 F.3d 1057, 1060 (10th Cir. 1996)).

13 Petitioner filed a general Objection “alleg[ing] the Magistrate[ Judge’s] findings of  
14 fact are unreasonable in light of the record, when taken as a whole.” (Objection 1.)  
15 Petitioner also “incorporate[d] by reference those facts, claims, and arguments contained  
16 in the ‘Petition’.” (Objections 1.)

17 The Court finds *Alcantara* and the laws of the other circuit courts persuasive. It is  
18 apparent that Petitioner failed to make any specific objections to the Report. Thus, the  
19 Court need not conduct a *de novo* review. *See Garcia v. Subia*, No. 07cv1869, 2011 WL  
20 1119181, at \*3, \*5 (S.D. Cal. Mar. 28, 2011); *Sullivan v. Schriro*, No. 04-1517, 2006 WL  
21 1516005 (D. Ariz. May 30, 2006). Even still, the Court did perform a *de novo* review of  
22 the entire record in this matter and fully **ADOPTS** the Report and Recommendation.

## 23 **II. Certificate of Appealability**

24 “The district court must issue or deny a certificate of appealability when it enters a  
25 final order adverse to the applicant.” Rule 11 foll. 28 U.S.C. § 2254. In this case, the  
26 Court finds that Petitioner did not make a substantial showing of the denial of a  
27 constitutional right, the issues are not debatable among jurists of reason, and a court  
28 could not resolve the issues in a different manner. *See Miller-El v. Cockrell*, 537 U.S.

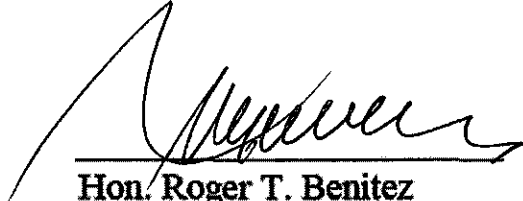
1 322, 327 (2003). The Court therefore **DENIES** a certificate of appealability.

2 **CONCLUSION**

3 Accordingly, the Court **ADOPTS** in full the Report and Recommendation. The  
4 Petition is **DENIED**. The Court **DENIES** a certificate of appealability. The Clerk shall  
5 enter judgment denying the Petition.

6 **IT IS SO ORDERED.**

7  
8 Dated: December 13, 2015



9  
10 **Hon. Roger T. Benitez**  
11 **United States District Judge**

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