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

TAM STEVE NGUYEN,  <p style="text-align: right;">Petitioner,</p> v. DANIEL PARAMO, WARDEN,  <p style="text-align: right;">Respondent.</p>	CASE NO. 17-cv-0521-WQH-NLS  <p style="text-align: center;"><b>ORDER</b></p>
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CASE NO. 17-cv-0521-WQH-NLS

**ORDER**

HAYES, Judge:

The matter before the Court is the review of the Report and Recommendation issued by United States Magistrate Judge Nita L. Stormes (ECF No. 8).

**I. Background**

On March 15, 2017, Petitioner Tam Steve Nguyen, proceeding pro se, filed a Petition for Writ of Habeas Corpus. (ECF No. 1). Nguyen “is challenging a prison disciplinary finding that took place at[] Richard J. Donovan Correctional facility.” *Id.* at 1.

On May 22, 2017, Respondent filed a Motion to Dismiss the Petition. (ECF No. 6). On June 5, 2017, Petitioner filed a Response in Opposition to the Motion to Dismiss. (ECF No. 7). On August 3, 2017, United State Magistrate Judge Nita L. Stormes issued the Report and Recommendation, recommending that the Motion to Dismiss be granted. (ECF No. 8). The docket reflects that no objections have been filed to the Report and Recommendation.

1 **II. Discussion**

2 The duties of the district court in connection with a report and recommendation  
3 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28  
4 U.S.C. § 636(b). The district judge must “make a de novo determination of those  
5 portions of the report . . . to which objection is made,” and “may accept, reject, or  
6 modify, in whole or in part, the findings or recommendations made by the magistrate.”  
7 28 U.S.C. § 636(b). The district court need not review de novo those portions of a  
8 Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416  
9 F.3d 992, 1000 n.13 (9th Cir. 2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121  
10 (9th Cir. 2003) (en banc) (“Neither the Constitution nor the [Federal Magistrates Act]  
11 requires a district judge to review, de novo, findings and recommendations that the  
12 parties themselves accept as correct.”).

13 The Court has reviewed the Report and Recommendation, the record, and the  
14 submissions of the parties. The Court finds that the Magistrate Judge correctly  
15 recommended that the Motion to Dismiss be granted. The Report and Recommendation  
16 is adopted in its entirety.

17 **III. Conclusion**

18 IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 8)  
19 is adopted in its entirety. Respondent’s Motion to Dismiss the Petition for Writ of  
20 Habeas Corpus is granted. The Petition for Writ of Habeas Corpus is dismissed without  
21 prejudice to Petitioner pursuing his claim under 42 U.S.C. § 1983.

22 DATED: September 26, 2017

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24 **WILLIAM Q. HAYES**  
25 United States District Judge  
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