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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 Chris Anthony Williams,
12 Petitioner,
13 v.
14 Stuart Sherman, et al.,
15 Respondents.

Case No.: 17-cv-1064-AJB-PCL

ORDER:

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

**(2) DENYING PETITIONER’S WRIT
OF HABEAS CORPUS**

(Doc. Nos. 1, 16)

18
19 Presently before the Court is Petitioner Joseph Williams’ writ of habeas corpus.
20 (Doc. No. 1.) The Court referred the matter to Magistrate Judge Peter C. Lewis for a Report
21 and Recommendation (“R&R”). (Doc. No. 16.) The R&R recommends (1) approving and
22 adopting the R&R; and (2) dismissing Williams’ habeas petition. (*Id.* at 9.) The parties
23 were instructed to file written objections to the R&R by February 9, 2018. (*Id.* at 9–10.)
24 Williams filed a statement of non-objection. (Doc. No. 17.)

25 Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district
26 judge’s duties in connection with a magistrate judge’s R&R. The district judge must “make
27 a de novo determination of those portions of the report . . . to which objection is made[,]”
28 and “may accept, reject, or modify, in whole or in part, the findings or recommendations


1 made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*,
2 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of objection(s), the Court “need
3 only satisfy itself that there is no clear error on the face of the record in order to accept the
4 recommendation.” Fed. R. Civ. P. 72(b) advisory committee note to the 1983 amendment;
5 *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

6 Neither party has filed objections to Magistrate Judge Lewis’s R&R. Having
7 reviewed the R&R, the Court finds it thorough, well-reasoned, and contains no clear error.
8 Accordingly, the Court hereby: (1) **ADOPTS** Magistrate Judge Lewis’s R&R; and (2)
9 **DENIES** Petitioner’s petition for writ of habeas corpus.

10 When a district court enters a final order adverse to the applicant in a habeas corpus
11 proceeding, it must either issue or deny a certificate of appealability, which is required to
12 appeal a final order in a habeas corpus proceeding. 28 U.S.C. § 2253(c)(1)(A). A certificate
13 of appealability is appropriate only where the petitioner makes “a substantial showing of
14 the denial of a constitutional right.” *Miller-El v. Cockrell*, 537 U.S. 322, 330 (2003)
15 (quoting 28 U.S.C. § 2253(c)(2)). Under this standard, the petitioner must demonstrate that
16 “reasonable jurists could debate whether [] the petition should have been resolved in a
17 different manner or that the issues presented were adequate to deserve encouragement to
18 proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483–84 (2000) (citation and internal
19 quotation marks omitted). Here, the Court finds that reasonable jurists could not debate the
20 Court’s conclusion to dismiss with prejudice Petitioner’s claims and therefore **DECLINES**
21 to issue a certificate of appealability. The Court Clerk is directed to **CLOSE** this case.

22 **IT IS SO ORDERED.**

23 Dated: February 12, 2018

24 
25 Hon. Anthony J. Battaglia
26 United States District Judge
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