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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 JEMERE GUILLORY,

11 Petitioner,

12 v.

13 KELLY SANTORO, Warden,

14 Respondent.

Case No.: 17cv2084-CAB-BGS

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING PETITION**

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16 On October 5, 2017, Petitioner Jemere Guillory (“Petitioner”), a state prisoner
17 proceeding pro se and in forma pauperis, filed a Petition for Writ of Habeas Corpus
18 pursuant to 28 U.S.C. § 2254, [Doc. No. 1.] On February 12, 2018, Respondent filed an
19 answer to the petition and lodged the state court record. [Doc. Nos. 13, 14.] On March
20 22, 2018, Petitioner filed a traverse. [Doc. No. 17.]

21 On December 5, 2018, Magistrate Judge Bernard G. Skomal issued a Report and
22 Recommendation (“Report”), recommending that the Court deny the Petition. [Doc. No.
23 19.] The Report also ordered that any objections were to be filed by December 28, 2018.
24 [Report at 19.] On December 24, 2018, Petitioner filed a motion for a thirty-day
25 extension of time to file objections to the Report. [Doc. No. 20.] On December 27,
26 2018, this Court granted Petitioner’s motion and granted him until January 28, 2019, to
27 file any objections to the report. [Doc. No. 21.] To date, no objection has been filed, nor
28 has there been any other request for additional time in which to file an objection.

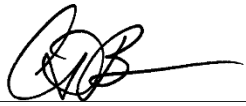
1 A district court’s duties concerning a magistrate judge’s report and
2 recommendation and a respondent’s objections thereto are set forth in Rule 72(b) of the
3 Federal rules of Civil Procedure and 28 U.S.C. § 636(b)(1). When no objections are
4 filed, the district court is not required to review the magistrate judge’s report and
5 recommendation. The Court reviews de novo those portions of the Report and
6 Recommendation to which objections are made. 28 U.S.C. § 636(b)(1). The Court may
7 “accept, reject, or modify, in whole or in part, the findings or recommendations made by
8 the magistrate judge.” *Id.* However, “[t]he statute makes it clear that the district judge
9 must review the magistrate judge's findings and recommendations de novo if objection is
10 made, but not otherwise.” *United States v. Reyna–Tapia*, 328 F.3d 1114, 1121 (9th
11 Cir.2003) (en banc) (emphasis in original). “Neither the Constitution nor the statute
12 requires a district judge to review, de novo, findings and recommendations that the
13 parties themselves accept as correct.” *Id.*

14 Here, neither party has timely filed objections to the Report. Having reviewed it,
15 the Court finds that it is thorough, well-reasoned, and contains no clear error.
16 Accordingly, the Court **HEREBY ADOPTS** Magistrate Judge Skomal’s Report and
17 Recommendation [Doc. No. 19] in its entirety. For the reasons stated in the Report,
18 which is incorporated herein by reference, the Court **DENIES** the Petition. [Doc. No. 1.]

19 Moreover, because the Court does not believe that reasonable jurists would find the
20 Court’s assessment of the constitutional claims debatable or wrong it **DECLINES** to
21 issue a Certificate of Appealability. See *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

22 **IT IS SO ORDERED.**

23 Dated: February 11, 2019

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26 Hon. Cathy Ann Bencivengo
27 United States District Judge
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