

FILED
JUN - 8 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**CHRISTOPHER MICHAEL GONZALES-
AGUILERA,**

Civil Case No. 09-1174-SU

Petitioner,

O R D E R

v.

BRIAN BELLEQUE,

Respondent.

Christopher Michael Gonzalez-Aguilera
#7241626
Oregon State Penitentiary
2605 State Street
Salem, Oregon 97310-1346

Pro Se Petitioner

Jonathan W. Diehl
Lynn David Larsen
State of Oregon Department of Justice
Criminal & Collateral Remedies
1162 Court Street, NE
Salem , OR 97301-4096

Attorneys for Respondent


KING, Judge:

The Honorable Patricia Sullivan, United States Magistrate Judge, filed Findings and Recommendation on May 13, 2010. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. Lorin Corp. v. Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983); See also Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Sullivan's Findings and Recommendation (#11) dated May 13, 2010 in its entirety.

IT IS HEREBY ORDERED that Respondent's Motion to Dismiss Without Prejudice (#8) is granted. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. See 28 USC § 2553(c)(2).

DATED this 8th day of June, 2010.



GARR M. KING
United States District Judge