IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

RANDY JOSEPH SEITZINGER,

Petitioner,

v.

MARK NOOTH, Superintendent, Snake River Correctional Institution,

Respondent.

No. 2:14-cv-01705-SB

ORDER

HERNANDEZ, District Judge:

Magistrate Judge Beckerman issued a Findings & Recommendation (#41) on December 22, 2016, in which she recommends the Court deny Petitioner's Amended Habeas Corpus Petition and deny a Certificate of Appealability. Petitioner has timely filed objections to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Petitioner's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings & Recommendation [39], and therefore, Petitioner's Amended Habeas Corpus Petition [19] is denied. The Court further declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 25 day of January, 2017.

Marco Hernandez

MARCO A. HERNANDEZ
United States District Judge