

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

CHARLES RAY SHORB,

2:14-CV-02005-SB

Petitioner,

ORDER

v.

**MARK NOOTH, Superintendent,
Snake River Correctional
Institution,**

Respondent.

BROWN, Judge.

Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation (#40) on December 30, 2016, in which she recommends the Court deny Petitioner Charles Ray Shorb's Petition (#1) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, enter a judgment dismissing the matter with prejudice, and grant a certificate of appealability. Petitioner filed timely

Objections to the Findings and Recommendation. The matter is now before this Court 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 and 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). See also *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*).

In his Objections Petitioner reiterates the arguments contained in his Petition and Brief in Support of Petition. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation

CONCLUSION

The Court **ADOPTS** Magistrate Judge Beckerman's Findings and Recommendation (#40) and, therefore, **DENIES** the Petition (#1) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, **DISMISSES** this matter **with prejudice**, and **GRANTS** a certificate of

appealability.

IT IS SO ORDERED.

DATED this 2nd day of February, 2017.



ANNA J. BROWN
United States District Judge