

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BARRY LOWELL BARGER,

No. 2:16-CV-01314-PK

Petitioner,

ORDER

v.

MARK NOOTH,

Respondent.

Anthony D. Bornstein
Assistant Federal Public Defender
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Portland, Oregon 97204

Attorney for Petitioner

Frederick M. Boss
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Nick M. Kallstrom
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Attorneys for Respondent

1 – ORDER

HERNÁNDEZ, District Judge:

Magistrate Judge Paul Papak issued a Findings & Recommendation [38] on July 19, 2017, recommending that Petitioner Barger's Petition for Writ of Habeas Corpus [2] be denied. Petitioner has timely filed objections [43] to the Findings & Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a 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).

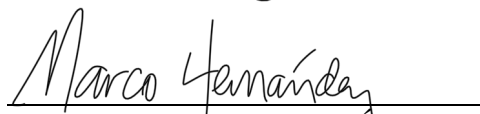
The Court has carefully considered Petitioner's objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record de novo and finds no errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [38], and therefore, Petitioner's Petition for Writ of Habeas Corpus [2] is denied and this case is dismissed with prejudice. Additionally, the Court declines to issue a Certificate of Appealability because Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 24 day of Oct, 2017.


MARCO A. HERNÁNDEZ
United States District Judge