

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

**JOSE VENECIA,**

Petitioner,

No. 2:19-cv-01970-SU

v.

OPINION AND ORDER

**TYLER BLEWETT,**

Respondent.

**MOSMAN, J.,**

On May 13, 2021, Magistrate Judge Patricia Sullivan issued her Findings and Recommendation (F. & R.) [ECF 38]. Judge Sullivan recommends that I deny the Petition for Writ of Habeas Corpus [ECF 2], dismiss this case with prejudice, and decline to issue a certificate of appealability. No objections were filed. Upon review, I agree with Judge Sullivan's recommendation and ADOPT her F. & R. as my own opinion.

**STANDARD OF REVIEW**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

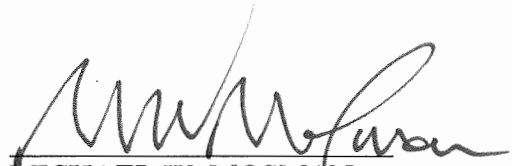
is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

### CONCLUSION

I ADOPT Judge Sullivan's F. & R. [ECF 38] as my own opinion. I DENY Mr. Venecia's Petition for Writ of Habeas Corpus [ECF 2], and I DISMISS this case with prejudice. Because Mr. Venecia has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. *See* 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 24<sup>th</sup> day of June, 2021.

  
MICHAEL W. MOSMAN  
United States District Judge