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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DARRELL L.SNYDER

08-CV-960-PK

Petitioner,

ORDER

v.

J.E. THOMAS, Warden,

Respondent.

DARRELL L. SNYDER

Fed. Reg. No. 63992-065 P.O. Box 5000 Sheridan, OR 97378

Petitioner, Pro Se

KARIN J. IMMERGUT

1- ORDER

United States Attorney SUZANNE A. BRATIS Assistant United States Attorney 1000 S.W. Third Ave., Suite 600 Portland, OR 97204-2909

Attorneys for Respondent

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and Recommendation (#10) on February 3, 2009, in which he recommends the Court deny Petitioner Darrell L. Snyder's Petition for Writ of Habeas Corpus (#1) and dismiss this matter with prejudice. Petitioner filed 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 United States v. ReynaTapia, 328 F.3d 1114, 1121 (9th Cir. 2003)(en banc); United States v. Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988).

Petitioner objects to the Findings and Recommendation on the ground that the "relative enquiry [sic] . . . is not whether the evidence in the matter is sufficient to support the DHO findings . . . [rather it is] whether enforcement personnel are required to comply with established federal law defining the procedures to be followed in every disciplinary process."

2- ORDER

The Magistrate Judge addressed the issue that Petitioner raises in his Objections and noted:

Under <u>Wolff v. McDonnell</u>, 418 U.S. 539 (1974), an inmate facing administrative disciplinary charges is entitled, at a minimum, to the following protections: (1) to receive written notice of the charges no less than 24 hours before the disciplinary hearing; (2) to present evidence and witnesses in his defense where this will not jeopardize institutional safety or correctional goals; and (3) to receive a written statement of the evidence relied upon and the reasons for the disciplinary action. <u>Id</u>. at 563-69. The record reveals Snyder received these protections.

Petitioner did not submit any evidence with his Objections to establish that he did not receive the protections required under Wolff or any authority to establish that Wolff does not apply in this matter. After reviewing the record de novo, the Court agrees with the Magistrate Judge's legal analysis and findings.

In summary, 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 Papak's Findings and Recommendation (#10), DENIES Petitioner's Petition for Writ of Habeas Corpus (#1), and DISMISSES this matter with prejudice.

IT IS SO ORDERED.

DATED this 23rd day of April, 2009.

/s/ Anna J. Brown

ANNA J. BROWN

United States District Judge