IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

CLIFFORD YOUNG,

Petitioner,

Civil No. 09-206-HU

v.

ORDER

BRIAN BELLEQUE,

Respondent.

C. Renee Manes Assistant Federal Public Defender 101 S.W. Main Street, Suite 1700 Portland, Oregon 97204

Attorney for Petitioner

John R. Kroger Attorney General Jonathan W. Diehl Assistant Attorney General Department of Justice 1162 Court Street N.E. Salem, Oregon, 97301-4096

Attorneys for Respondent

1 - ORDER

MARSH, Judge.

Magistrate Judge Dennis J. Hubel filed his Amended Findings and Recommendation on August 6, 2010. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When either party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. <u>See</u> 28 U.S.C. § 636(b)(1)(C); <u>McDonnell Douglas Corp. v. Commodore</u> <u>Business Machines, Inc.</u>, 656 F.2d 1309, 1313 (9th Cir. 1981), <u>cert. denied</u>, 455 U.S. 920 (1982).

Petitioner has filed timely objections. I have, therefore, given the file of this case a *de novo* review. I find no error. Accordingly, I ADOPT the Amended Findings and Recommendation #22 of Magistrate Judge Hubel. Petitioner's petition for writ of habeas corpus (#1) is DENIED, and this proceeding is DISMISSED, with prejudice. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability is DENIED. <u>See</u> 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this <u>16</u> day of September, 2010

/s/ Malcolm F. Marsh Malcolm F. Marsh United States District Judge