

FILED 13 JUN '11 15:44 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL PETTIT,

Petitioner,

v.

MARK NOOTH, Superintendent of Snake
River Correctional Institution,

Respondent.

Civ. No. 09-1281-AC

OPINION AND ORDER

REDDEN, Judge:

On May 12, 2011, Magistrate Judge John Acosta filed his Findings and Recommendation (doc. 26) that the court deny the Petition for Writ of Habeas Corpus (doc. 1), and dismiss this action. Magistrate Judge Acosta also recommended the court deny a Certificate of Appealability pursuant to 28 U.S.C. § 2253(c)(2) because Petitioner failed to make a substantial showing of the denial of a constitutional right.


PAGE 1 - OPINION AND ORDER

The matter is now before this court. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(b). Neither party timely filed objections. This relieves me of my obligation to review Magistrate Judge Acosta's factual findings de novo. 28 U.S.C. § 636(b)(1)(C); see also Thomas v. Arn, 474 U.S. 140, 149-50 (1985); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Acosta's Findings and Recommendation (doc. 26) as my own opinion. I DENY the Petition for Writ of Habeas Corpus (doc. 1), and DISMISS this action with prejudice. Additionally, I DENY a Certificate of Appealability pursuant to 28 U.S.C. § 2253(c)(2) because Petitioner has failed to make a substantial showing of the denial of a constitutional right.

IT IS SO ORDERED.

DATED this 13 day of June, 2011.


James A. Redden
United States District Judge