

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL RAMON PEREZ,

No. 3:11-cv-00127-ST

Petitioner,

ORDER

v.

GARY KILMER,

Respondent.

C. Renee Manes
Federal Public Defender
101 SW Main Street, Suite 1700
Portland, OR 97204

Attorney for Petitioner

Nicholas M. Kallstrom
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096

Attorney for Respondent

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1 - ORDER

HERNANDEZ, District Judge:

Magistrate Judge Stewart issued a Findings and Recommendation (#57) on October 29, 2013, in which she recommends that the Court should deny the petition for writ of habeas corpus (#1). Petitioner timely filed objections to the Findings and Recommendation. The matter is now before me 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); 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).


I have carefully considered Petitioner's objections and conclude that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court adopts Magistrate Judge Stewart's Findings and Recommendation (#57). Therefore, the petition for writ of habeas corpus (#1) is denied.

IT IS SO ORDERED.

DATED this 13 day of December, 2013.


MARCO A. HERNANDEZ
United States District Judge