

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

HERMAN MARIGNY,

No. 3:16-cv-01921-PK

Petitioner,

ORDER

v.

RICHARD B. IVES, Warden,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Paul Papak issued a Findings and Recommendation [11] on January 17, 2017, in which he recommends that this Court deny Mr. Marigny's Petition for Habeas Corpus Relief [1] under 28 U.S.C. § 2254. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, I am relieved of my obligation to review the record de novo. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also *United States v.*


Bernhardt, 840 F.2d 1441, 1444 (9th Cir. 1988) (de novo review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles de novo, I find no error.

CONCLUSION

The Court ADOPTS Magistrate Judge Papak's Findings & Recommendation [11]. Accordingly, Mr. Marigny's Petition for Habeas Corpus Relief [1] is denied. Additionally, the Court declines to issue a Certificate of Appealability because Mr. Marigny has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 20 day of April, 2017.


MARCO A. HERNÁNDEZ
United States District Judge