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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LELAND DULANI HARRIS,

11 Plaintiff,

12 v.

13 MARGARET GILBERT,

14 Defendant.

CASE NO. C16-0154JLR

ORDER ADOPTING REPORT
AND RECOMMENDATION AND
DISMISSING ACTION WITH
PREJUDICE

15 I. INTRODUCTION

16 This matter comes before the court on the Report and Recommendation of United
17 States Magistrate Judge Brian A. Tsuchida (R&R (Dkt. # 24)), and Petitioner Leland
18 Dulani Harris' objections thereto (Obj. (Dkt. # 25)). Having carefully reviewed all of the
19 foregoing, along with all other relevant documents and the governing law, the court
20 ADOPTS the Report and Recommendation, DENIES Mr. Harris's petition for a writ of
21 habeas corpus (Pet. (Dkt. # 6)) and DISMISSES this action with prejudice.
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II. STANDARD OF REVIEW

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2 A district court has jurisdiction to review a Magistrate Judge's report and
3 recommendation on dispositive matters. *See* Fed. R. Civ. P. 72(b). "The district judge
4 must determine de novo any part of the magistrate judge's disposition that has been
5 properly objected to." *Id.* "A judge of the court may accept, reject, or modify, in whole
6 or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. §
7 636(b)(1). The court reviews de novo those portions of the report and recommendation
8 to which specific written objection is made. *United States v. Reyna-Tapia*, 328 F.3d
9 1114, 1121 (9th Cir. 2003) (en banc). "The statute makes it clear that the district judge
10 must review the magistrate judge's findings and recommendations de novo if objection is
11 made, but not otherwise." *Id.* When no objections are filed, the court need not review de
12 novo the report and recommendation. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th
13 Cir. 2005).

III. DISCUSSION

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15 Mr. Harris objects to the Report and Recommendation in its entirety. (*See*
16 *generally* Obj.)

17 With the exception of Mr. Harris's objection to Magistrate Judge Tsuchida's
18 conclusion that Mr. Harris is not entitled to a certificate of appealability, all of Mr.
19 Harris' objections rehash arguments contained in his Petition (Dkt. # 6) and Reply to
20 Respondent's Answer (Dkt. # 23). None of Mr. Harris's objections raise any issues that
21 were not addressed by Magistrate Judge Tsuchida's Report and Recommendation. The
22 court has thoroughly examined the record before it and finds the Magistrate Judge's

1 reasoning persuasive in the light of that record. The court therefore independently rejects
2 those arguments for the same reasons as Magistrate Judge Tsuchida. As to the certificate
3 of appealability issue, the court concurs with Magistrate Judge Tsuchida that Mr. Harris
4 is not entitled to a certificate of appealability because he has not made "a substantial
5 showing of the denial of a constitutional right." See 28 U.S.C. § 2253(c)(3).

6 IV. CONCLUSION

7 For the foregoing reasons, the court hereby ORDERS as follows:

8 (1) The court ADOPTS Magistrate Judge Tsuchida's Report and Recommendation
9 (Dkt. # 24) in its entirety;

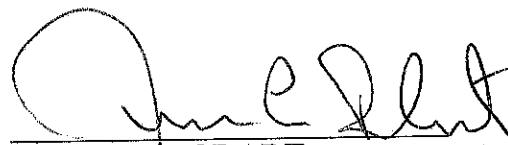
10 (2) The court DENIES Mr. Harris's petition for a writ of habeas corpus (Dkt. # 6);

11 (3) The court DISMISSES Mr. Harris's petition and this action with prejudice;

12 (4) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in
13 United States District Courts, the court DENIES a certificate of appealability with respect
14 to all grounds for relief asserted in this federal habeas action; and

15 (5) The court DIRECTS the Clerk to send copies of this Order to all counsel of
16 record and to Magistrate Judge Tsuchida.

17 Dated this 27th day of February, 2017.



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19 JAMES L. ROBART
United States District Judge
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