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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 MYCHAL OWENS,

9 Petitioner,

v.

10 DONALD R. HOLBROOK,

11 Respondent.

CASE NO. C17-5033 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

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13 This matter comes before the Court on the Report and Recommendation (“R&R”)  
14 of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 28),  
15 Petitioner Mychal Owens’s objections to the R&R (Dkt. 29), and Owens’s motion for  
16 exception to mandatory e-filing requirement (Dkt. 30)<sup>1</sup>.

17 On October 11, 2017, Judge Creatura issued an R&R recommending that the  
18 Court dismiss Owens’s petition as time-barred. Dkt. 28. On October 20, 2017, Owens  
19 filed objections. Dkt. 29.

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22 <sup>1</sup> The Court **GRANTS** the motion and will consider Owens’s objections.

1 The district judge must determine de novo any part of the magistrate judge's  
2 disposition that has been properly objected to. The district judge may accept, reject, or  
3 modify the recommended disposition; receive further evidence; or return the matter to the  
4 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

5 In this case, Owens's objections are without merit. Owens does not contest the  
6 timeliness of his petition and instead argues the merits of his claims. Owens also presents  
7 some novel jurisdictional arguments that are without merit. In sum, nothing in Owens's  
8 objections establishes an error in Judge Creatura's conclusions that Owens's petition is  
9 untimely and that he is not entitled to equitable tolling. Therefore, the Court having  
10 considered the R&R, Owens's objections, and the remaining record, does hereby find and  
11 order as follows:

- 12 (1) The R&R is **ADOPTED**;
- 13 (2) Owens's petition is **DISMISSED** as time-barred;
- 14 (3) Owens is not entitled to a Certificate of Appealability; and
- 15 (4) The Clerk shall close this case.

16 Dated this 27th day of November, 2017.

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19 BENJAMIN H. SETTLE  
20 United States District Judge  
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