

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA, EASTERN DIVISION

Alicia Wright v. E. Ricolcol

No. 5:24-cv-01863-FWS (AS), United States District Court for the Central District of California, Eastern
Division (July 3, 2025)

SUMMARY

The United States District Court for the Central District of California adopted a magistrate judge’s Report and Recommendation in a habeas corpus action under 28 U.S.C. § 2241. The court overruled the petitioner’s objections, granted the respondent’s motion to dismiss, denied the petition, and directed that the action be dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Central District of California, Eastern Division
WRITING FOR THE COURT	Fred W. Slaughter
JURISDICTION	United States District Court for the Central District of California, Eastern Division
DECIDED	July 3, 2025
DOCKET	5:24-cv-01863-FWS (AS)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation de novo after petitioner filed objections in a federal habeas proceeding under 28 U.S.C. § 2241.
STANDARD OF REVIEW	De novo review of the portions of the magistrate judge's Report and Recommendation to which specific objections were made; arguments not specifically objected to are deemed waived.
PRECEDENTIAL VALUE	Unknown; district court order
PARTIES	Alicia Wright v. E. Ricolcol, Warden, Victorville

TOPICS

- federal habeas corpus
- motions to dismiss
- civil procedure

PRACTICE AREAS

federal habeas corpus

civil procedure

magistrate judge recommendations

QUESTIONS PRESENTED

1. Whether the district court was required to conduct de novo review of the portions of the magistrate judge's Report and Recommendation challenged by petitioner's specific objections.
2. Whether petitioner's objections warranted rejection or modification of the magistrate judge's recommendation to grant the motion to dismiss and dismiss the § 2241 action without prejudice.

HOLDINGS

1. A district judge must conduct de novo review of the portions of a magistrate judge's Report and Recommendation to which a party makes proper, specific written objections; absent a proper objection, challenges to a finding are waived.
2. The petitioner's objections did not warrant modification of the magistrate judge's recommendation; the motion to dismiss was granted, the petition was denied, and the action was dismissed without prejudice.

KEY QUOTATIONS

“the district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to” (at 1)

“Objections to a R&R are not a vehicle to relitigate the same arguments carefully considered and rejected by the Magistrate Judge.” (at 2)

FACTUAL BACKGROUND

Petitioner challenged a Bureau of Prisons policy requiring an inmate with a medium pattern score to wait three years before transitioning to a lower pattern score. Petitioner asserted that the policy conflicted with the First Step Act because it limited access to programs, including the Residential Drug Abuse Program, that could reduce the length of an inmate's sentence. The respondent moved to dismiss the § 2241 petition.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition challenging a Bureau of Prisons policy concerning the waiting period for transition to a lower pattern score and its alleged effect on access to programs affecting sentence reduction. Respondent moved to dismiss. The magistrate judge recommended granting the motion and dismissing the action without prejudice. After petitioner objected, the district court conducted de novo review, overruled the objections, adopted the Report and Recommendation, granted the motion to dismiss, denied the petition, and ordered the action dismissed without prejudice.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Chith v. Haynes, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA – EASTERN DIVISION 10 Case No. 5:24-cv-01863-FWS (AS) 11 12 ALICIA
WRIGHT, ORDER ACCEPTING FINDINGS, CONCLUSIONS AND 13 Petitioner,
RECOMMENDATIONS OF UNITED 14 STATES MAGISTRATE JUDGE [22] 15 v. AND
OVERRULING OBJECTIONS [23] 16 E. RICOLCOL, WARDEN 17 VICTORVILLE, 18
Defendant. 19 20 21 I. Introduction and Relevant Procedural History 22 Before the court is the
Magistrate Judge’s June 3, 2025, Report and 23 Recommendation.

(Dkt. 22 (“Report and Recommendation” or “R&R”).) Based on 24 the state of the record, as
applied to the applicable law, the court ADOPTS the Report 25 and Recommendation issued by
the Magistrate Judge, including each of the findings 26 of fact and conclusions of law therein. 27
28 1 In summary, on August 2, 2024, Petitioner Joseph Robert Ward (“Plaintiff”) filed 2 a Petition
for a Writ Of Habeas Corpus under 28 U.S.C § 2241.

(Dkt. 1 (“Petition”).) 3 On December 6, 2024, Respondent E. Ricolcol, Warden of the Satellite
Prison Camp in 4 Victorville, California, of the Federal Bureau of Prisons (“Respondent”), filed a
5 Motion to Dismiss the Petition. (Dkt. 15 (“Motion to Dismiss”).)

On January 13, 6 2025, Petitioner filed an Opposition to the Motion to Dismiss. (Dkt. 18 7
 (“Opposition”).) On June 3, 2025, the Magistrate Judge issued the Report and 8 Recommendation.
(Dkt. 22) On June 20, 2025, Petitioner objected to the Report and 9 Recommendation. (Dkt. 23
 (“Objections”).) 10 II. Discussion 11 “A judge of the court may accept, reject, or modify, in whole
or in part, the 12 findings or recommendations made by the magistrate judge.” 28 U.S.C. 13 §
636(b)(1)(C); see also Fed.

R. Civ. P. 72(b)(3) (stating “[t]he district judge must 14 determine de novo any part of the
magistrate judge’s disposition that has been 15 properly objected to,” and “[t]he district judge may
accept, reject, or modify the 16 recommended disposition; receive further evidence; or return the
matter to the 17 magistrate judge with instructions”). Proper objections require “specific written
18 objections to the proposed findings and recommendations” of the magistrate judge.

19 Fed. R. Civ. P. 72(b)(2). “A judge of the court shall make a de novo determination of 20 those
portions of the report or specified proposed findings or recommendations to 21 which objection is
made.” 28 U.S.C. § 636(b)(1)(C); see also United States v. Reyna- 22 Tapia, 328 F.3d 1114, 1121
(9th Cir. 2003) (“The statute makes it clear that the 23 district judge must review the magistrate
judge’s findings and recommendations de 24 novo if objection is made, but not otherwise.”).

Where no objection has been made, 25 arguments challenging a finding are deemed waived. See 28 U.S.C. § 636(b)(1)(C) 26 (“Within fourteen days after being served with a copy, any party may serve and file 27 written objections to such proposed findings and recommendations as provided by 28 rules of court.”).

Moreover, “[o]bjections to a R&R are not a vehicle to relitigate the 1 same arguments carefully considered and rejected by the Magistrate Judge.” *Chith v. 2 Haynes*, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021). 3 In the Report and Recommendation, the Magistrate Judge recommended that 4 the court issue an order: 5 (1) accepting this Report and Recommendation, (2) granting 6 Respondent’s Motion to Dismiss (Dkt.

No. 15), and (3) directing that Judgment be entered dismissing this action without prejudice. 7 8 (Report and Recommendation at 33.) 9 In the Objections, Petitioner states the following: 10 11 Petitioner Wright respectfully objects to the Magistrate Judge’s denial because the denial is based on a deficient understanding of the claim.

The Magistrate 12 Judge did not address the claim in its entirety. The claim states that the BOP 13 policy of making a medium pattern scored inmate wait three years before a transition to a lower scored pattern score is not “meaningful” because it 14 truncates other programs that reduces the length of an inmates sentence (i.e. 15 RDAP).

The BOP’s policy of making an inmate wait a designated time period is in direct conflict with the First Step Act. 16 (Objections at 1.) 17 After conducting a de novo review of the Objections, the court agrees with each 18 of the findings of fact and conclusions of law set forth in the Report and 19 Recommendation, including each of the recommendations contained therein.

20 Accordingly, Petitioner’s arguments set forth in the Objections are OVERRULED on 21 the merits. 22 In sum, pursuant to 28 U.S.C. § 636, the court has reviewed the record, 23 including the Report and Recommendation, the Petition, the Motion to Dismiss, the 24 Opposition, the Objections and the other records of the case.

After conducting a de 25 novo review of the Objections, the court concurs with and accepts the findings and 26 conclusions of the Magistrate Judge in the Report and Recommendation. 27 /// 28 1 II. Conclusion 2 Based on the state of the record, as applied to the applicable law, the court 3 | adopts the Report and Recommendation and accepts each of the findings of fact and 4 | conclusions of law therein.

Accordingly, the court ORDERS the following: 5 6 (1) The Motion to Dismiss is GRANTED. 7 (2) The Petition is DENIED, and the court will enter Judgment 8 DISMISSING THIS ACTION WITHOUT PREJUDICE. 9 (3) The Clerk shall serve copies of this Order, the Report and 10 Recommendation and the Judgment on Petitioner and counsel for 11 Respondent. 12 13 LET JUDGMENT BE ENTERED ACCORDINGLY.

14 15 16 Lo LS /—— 17 | Dated: July 3, 2025 Hon. Fred W. Slaughter 18 UNITED STATES
DISTRICT JUDGE 19 20 21 22 23 24 25 26 27 28