

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.

OPINION

Alicia Wright v. E. Ricolcol

PER CURIAM.

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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 Victorville, California, of the Federal Bureau of Prisons (“Respondent”), filed a Motion to Dismiss the Petition. (Dkt. 15 (“Motion to Dismiss”).) On January 13, 2025, Petitioner filed an Opposition to the Motion to Dismiss. (Dkt. 18 (“Opposition”).) On June 3, 2025, the Magistrate Judge issued the Report and Recommendation. (Dkt. 22) On June 20, 2025, Petitioner objected to the Report and Recommendation. (Dkt. 23 (“Objections”).) II. Discussion “A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b)(3) (stating “[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to,” and “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions”). Proper objections require “specific written objections to the proposed findings and recommendations” of the magistrate judge. Fed. R. Civ. P. 72(b)(2). “A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (“The statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.”). Where no objection has been made, arguments challenging a finding are deemed waived. See 28 U.S.C. § 636(b)(1)(C) (“Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court.”). Moreover, “[o]bjections to a R&R are not a vehicle to relitigate the same arguments carefully considered and rejected by the Magistrate Judge.” *Chith v. Haynes*, 2021 WL 4744596, at *1 (W.D. Wash. Oct. 12, 2021). In the Report and Recommendation, the Magistrate Judge recommended that the court issue an order:

(1) accepting this Report and Recommendation, (2) granting Respondent’s Motion to Dismiss (Dkt. No. 15), and (3) directing that Judgment be entered dismissing this action without prejudice. (Report and Recommendation at 33.) In the Objections, Petitioner states the following: Petitioner Wright respectfully objects to the Magistrate Judge’s denial because the denial is based on a deficient understanding of the claim. The Magistrate Judge did not address the claim in its entirety. The claim states that the BOP 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 truncates other programs that reduces the length of an inmates sentence (i.e. RDAP). The BOP’s policy of making an inmate wait a designated time period is in direct conflict with the First Step Act. (Objections at 1.) After conducting a de novo review of the Objections, the court agrees with each of the findings of fact and conclusions of law set forth in the Report and Recommendation, including each of the recommendations contained therein. 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
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