

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Edward James Harris v. Edward J. Silva

No. EDCV 24-1306-WDK (JPR) · No. EDCV 24-1306-WDK (JPR) · Decided July 31, 2025

SUMMARY

The United States District Court for the Central District of California accepted the magistrate judge's Report and Recommendation after de novo review of the petitioner's objections. The court granted the respondent's motion to dismiss, dismissed the First Amended Petition without prejudice, and directed entry of judgment.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 11 EDWARD JAMES HARRIS) No. EDCV 24-1306-WDK (JPR)) 12
Petitioner,) ORDER ACCEPTING MAGISTRATE) JUDGE'S REPORT AND
RECOMMENDATION 13 v.)) 14 EDWARD J. SILVA, Acting) Warden,) 15) Respondent.) 16
17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the 18 First Amended Petition,
Respondent's motion to dismiss, 19 Petitioner's opposition, the other records on file herein, the 20
Magistrate Judge's Report and Recommendation ("R&R"), and 21 Petitioner's Objections to the
R&R ("Objections").

The Court has 22 reviewed de novo those identifiable portions of the R&R to which 23 Petitioner
has timely and properly objected. See 28 U.S.C. § 24 636(b)(1)©; Fed. R. Civ. P. 72(b); United
States v. Reyna-Tapia, 25 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). 26 In doing so, the Court
has declined to consider any 27 arguments raised for the first time only in the objections.

See 28 United States v. Howell, 231 F.3d 615, 621-23 (9th Cir. 2000). has also declined to
consider objections that simply repeat 2 |arguments fully addressed but rejected in the R&R. See
Trejo 3 || Perez v. Madden, 2020 WL 1154807, at *1 (E.D. Cal. Mar. 10, 2020) 4] (objections that
"merely repeat[] the same arguments... 5 | considered and found to be insufficient" require no
review since 6 | they "do not meaningfully dispute the magistrate judge's findings and
recommendations"); Hagberg v. Astrue, 2009 WL 3386595, at *1 (D.

Mont. Oct. 14, 2009) ("Objections to a magistrate's Findings and Recommendations are not a
vehicle for the losing party to 10 | relitigate its case."). Finally, the Court has declined to consider
any blanket or boilerplate objection to the final 12 || disposition recommended in the R&R. See
McCulloch v. Tharratt, 13 2017 WL 6398611, at *1 (S.D. Cal. Dec. 15, 2017).

14 Concluding that nothing in Petitioner's Objections affects 15 | the material findings and conclusions in the R&R, the Court 16 || accepts the findings and recommendations of the Magistrate Judge. 17 ACCORDINGLY, IT IS ORDERED THAT: 18 1. Respondent motion to dismiss is granted. 19 2.

The First Amended Petition is dismissed without 20 || prejudice. 21 3. Judgment be entered consistent with this order. 22 4, The clerk serve this Order on all counsel or parties of 23 || record. 24 IT IS SO ORDERED. 25. Aiftcet 2 Jette 26 |) DATED: July 31, 2025 WILLIAM D. KELLER 27 U.S. DISTRICT JUDGE 28