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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Bryan Matthew Funk,)	No. CV 06-00273-PHX-NVW(JCG)
)	
Petitioner,)	ORDER
)	
v.)	
)	
Dora Schriro, et al.,)	
)	
Respondents.)	

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Guerin (Doc. # 27) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. ## 1 and 12). The R&R recommends that the Petition be denied. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 14 (citing 28 U.S.C. § 636(b)). By order of April 19, 2007 (Doc. # 29), the court granted Petitioner’s motion for extension of time to file objections to May 10, 2007. No objections have been filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a)

1 (“Within 10 days after being served with a copy of the magistrate judge’s order, a party may
2 serve and file objections to the order; a party may not thereafter assign as error a defect in
3 the magistrate judge’s order to which objection was not timely made.”); *Simpson v. Lear*
4 *Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-
5 21 (9th Cir. 2002).

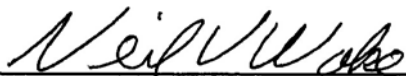
6 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the court will accept the
7 R&R, any objections having been waived, and will dismiss the Petition. *See* 28 U.S.C. §
8 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part,
9 the findings or recommendations made by the magistrate”).

10 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate
11 Judge (Doc. #27) is accepted.

12 IT IS FURTHER ORDERED that petitioner's Petition for Writ of Habeas Corpus filed
13 pursuant to 28 U.S.C. § 2254 (Doc. ## 1 and 12) is denied.

14 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying the
15 petition. The Clerk shall terminate this action.

16 DATED this 31st day of May 2007.

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19 _____
Neil V. Wake
United States District Judge