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2 NOT FOR PUBLICATION

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

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Jose Martinez Gonzalez,

No. CV-06-2655-PHX-GMS (JCG)

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Petitioner,

ORDER

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v.

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Martin McDaniel, et al.,

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Respondents.

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Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Guerin’s Report and Recommendation (“R&R”). Dkt. ## 1, 32. The R&R recommends that the Court deny the Petition. Dkt. # 32 at 8. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 8 (citing 28 U.S.C. § 636(b)(1)).

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The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *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.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district

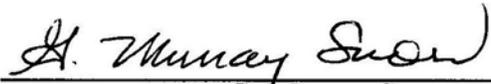
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1 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
2 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
3 or modify the recommended disposition; receive further evidence; or return the matter to the
4 magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Guerin’s R&R (Dkt. # 32) is **ACCEPTED**.
- 7 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 32) is **DENIED**.
- 8 3. The Clerk of Court shall **TERMINATE** this action.

9 DATED this 2nd day of November, 2009.

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12 _____
13 G. Murray Snow
14 United States District Judge
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