

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Rudy Franco,	)	No. CV 07-0173 PHX-NVW (HCE)
	)	
Petitioner,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Edward Bartos, et al.,	)	
	)	
Respondents.	)	

---

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Estrada (Doc. # 19) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. # 1). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 7 (citing 28 U.S.C. § 636(b)). No objections were 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) (“Within 10 days after being served with a copy of the magistrate judge’s order, a party may

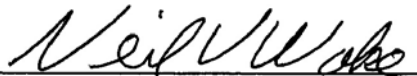
1 serve and file objections to the order; a party may not thereafter assign as error a defect in  
2 the magistrate judge's order to which objection was not timely made."); *Simpson v. Lear*  
3 *Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-  
4 21 (9th Cir. 2002).

5 Notwithstanding the absence of an objection, the court has reviewed the R&R and  
6 finds that it is well taken. The court will accept the R&R and dismiss the Petition. *See* 28  
7 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or  
8 in part, the findings or recommendations made by the magistrate").

9 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
10 Judge (Doc. # 19) is accepted.

11 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment dismissing  
12 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. #  
13 1) with prejudice. The Clerk shall terminate this action.

14 DATED this 12<sup>th</sup> day of December, 2008.

15  
16  
17   
18 \_\_\_\_\_  
Neil V. Wake  
United States District Judge