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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Luis Alonso Martinez,)	No. CV 07-0574-PHX-EHC (JRI)
Petitioner,)	
vs.)	ORDER
Dora B. Schriro, et al.,)	
Respondents.)	

On March 19, 2007, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254 (Dkt. 1). On January 27, 2004, Petitioner was convicted by a jury in state court of robbery, burglary and theft offenses. On March 11, 2004, the trial court sentenced Petitioner to a total of 27 years of imprisonment.

The matter was referred to Magistrate Judge Jay R. Irwin who filed a Report and Recommendation on September 19, 2008 recommending that the Petition be dismissed with prejudice as untimely (Dkt. 23). Petitioner has not filed an Objection or otherwise responded to the Report and Recommendation.

Standard of Review

The district court reviews de novo the portions of the Magistrate Judge's Report and Recommendation to which there is a filed objection. 28 U.S.C. § 636(b)(1)(C) ("a judge of the court shall make a de novo determination of those portions of the report, ..., to which

1 objection is made."); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.
2 2003). The district court is not required to review any issue that is not the subject of an
3 objection. Schmidt v. Johnstone, 263 F. Supp. 2d 1219 (D. Ariz. 2003), citing Thomas v.
4 Arn, 474 U.S. 140, 149 (1985).

5 Discussion

6 In the absence of a filed objection by Petitioner, the Court adopts in full the Report
7 and Recommendation of the Magistrate Judge and incorporates the same as a part of this
8 Order.

9 Accordingly,

10 **IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (Dkt.
11 23) is adopted in full.

12 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus under 28
13 U.S.C. § 2254 (Dkt. 1) is dismissed with prejudice.

14 DATED this 18th day of November, 2008.

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Earl H. Carroll
18 United States District Judge
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