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

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9	Florentino Thomas Esparza,)	No. CV-07-1162-PHX-GMS (ECV)
10	Petitioner,)	ORDER
11	v.)	
12	Dora Schriro, et al.,)	
13	Respondents.)	
14)	
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16 Pending before the Court are Petitioner’s amended petition for writ of habeas
17 corpus/civil rights complaint and United States Magistrate Judge Voss’s Report and
18 Recommendation (“R&R”). Dkt. ## 4, 24. The R&R recommends that the Court deny
19 the amended petition because one of Petitioner’s claims is barred by his guilty plea and
20 the others fail on the merits. Dkt. # 24 at 9. The Magistrate Judge advised the parties that
21 they had ten days to file objections to the R&R and that failure to file timely objections
22 could be considered a waiver of the right to obtain review of the R&R. *Id.* at 10 (citing
23 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(b) and 72; *United States v. Reyna-Tapia*,
24 328 F.3d 1114, 1121 (9th Cir. 2003)).

25 The parties did not file objections, which relieves the Court of its obligation to
26 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
27 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
28 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must

1 determine de novo any part of the magistrate judge's disposition that has been properly
2 objected to."). The Court has nonetheless reviewed the R&R and agrees with it. The
3 Court will accept the R&R and deny the Amended Petition. *See* 28 U.S.C. § 636(b)(1)
4 (stating that the district court "may accept, reject, or modify, in whole or in part, the
5 findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The
6 district judge may accept, reject, or modify the recommended disposition; receive further
7 evidence; or return the matter to the magistrate judge with instructions.").

8 **IT IS ORDERED:**

- 9 1. Magistrate Judge Voss's R&R (Dkt. # 24) is accepted.
10 2. Petitioner's amended petition for writ of habeas corpus (Dkt. # 4) is denied.
11 3. The Clerk of the Court shall terminate this action.

12 DATED this 5th day of September, 2008.

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16 G. Murray Snow
17 United States District Judge
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