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2 **NOT FOR PUBLICATION**

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

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9 Bernardo Cruz Meza,)	No. CV-07-1220-PHX-GMS (DKD)
10 Petitioner,)	ORDER
11 v.)	
12 Schroeder, et al.,)	
13 Respondents.)	
14)	
15)	

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17 Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and
18 United States Magistrate Judge Duncan’s Report and Recommendation (“R&R”). Dkt. ##
19 1, 24. The R&R recommends that the Court deny the Petition and dismiss with prejudice.
20 Dkt. # 24 at 12. The Magistrate Judge advised the parties that they had fourteen days to file
21 objections to the R&R and that failure to file timely objections could be considered a waiver
22 of the right to obtain review of the R&R. *Id.* at 12 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ.
23 P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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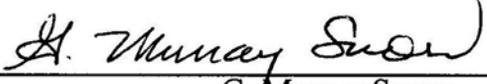
25 The parties did not file objections, which relieves the Court of its obligation to review
26 the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)
27 (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the
28 subject of an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

1 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
2 accept the R&R and deny the Petition. See 28 U.S.C. § 636(b)(1) (stating that the district
3 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
4 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
5 or modify the recommended disposition; receive further evidence; or return the matter to the
6 magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Duncan’s R&R (Dkt. # 24) is **ACCEPTED**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DENIED** and
10 **DISMISSED WITH PREJUDICE**.
- 11 3. The Clerk of Court shall **TERMINATE** this action.
- 12 4. Certificate of Appealability and leave to proceed in forma pauperis on appeal
13 is **DENIED**.

14 DATED this 30th day of March, 2010.

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19 G. Murray Snow
20 United States District Judge
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