Shakir v. Arizona Attorney General, State of Doc. 28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jarrel Shakir, Petitioner, vs. Charles L. Ryan, et al., Respondents.	No. CV-07-1374-PHX-ROS **ORDER**

On September 17, 2009, Magistrate Judge Hector C. Estrada issued a Report and Recommendation ("R&R") recommending that the request for a writ of habeas corpus be denied. (Doc. 22). Normally, objections to an R&R must be filed within ten days, but Petitioner obtained additional time in which to file objections. (Doc. 25, 27). Petitioner was given until December 16, 2009 (three months after issuance of the R&R) to file his objections. Petitioner did not file any objections.

A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge's report and recommendations, the district court's review of the part objected to is to be *de novo*. *Id.* If, however, no objections are filed, the district court need not conduct such a review. *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that *de novo*

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review of factual and legal issues is required if objections are made, but not otherwise.") (internal quotations and citations omitted). Petitioner did not file any objections and the R&R will be adopted in full.

Accordingly,

IT IS ORDERED the Report and Recommendation (Doc. 22) is **ADOPTED**. The request for a writ of habeas corpus is **DENIED**. The Clerk shall close this case.

IT IS FURTHER ORDERED a Certificate of Appealability is **DENIED**. Petitioner has not made a substantial showing of the denial of a constitutional right.

DATED this 5th day of January, 2010.

Roslyn O. Silver
United States District Judge