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

Romeo Ramirez-Garcia,	)	No. CV 07-1902 PHX-NVW (ECV)
	)	
Petitioner,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Peter Keisler, et al.,	)	
	)	
Respondents.	)	
_____	)	

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Voss (Doc. # 23) 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 dismissed as moot, the Petitioner having been ordered released on bond. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at (citing 28 U.S.C. § 636(b)). Petitioner filed objections on December 19, 2008. (Doc. # 25.) The court called for a reply, which was filed on January 9, 2009. (Doc. # 27.)

The court has considered the objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The court agrees with the

1 Magistrate Judge's determinations, accepts the recommended decision within the meaning  
2 of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. §  
3 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in  
4 part, the findings or recommendations made by the magistrate”).

5       Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error  
6 may not be assigned to any defect in those rulings to the extent that an aggrieved party  
7 did not file a timely objection. Fed. R. Civ. P. 72(a) (“Within 10 days after being served  
8 with a copy of the magistrate judge’s order, a party may serve and file objections to the  
9 order; a party may not thereafter assign as error a defect in the magistrate judge’s order to  
10 which objection was not timely made.”). The absence of a timely objection precludes  
11 later assignment of error in this court or in any higher court of the non-dispositive rulings  
12 of a magistrate judge. *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.  
13 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

14       IT IS THEREFORE ORDERED that the Report and Recommendation of the  
15 Magistrate Judge (Doc. # 23) is accepted.

16       IT IS FURTHER ORDERED that the Clerk of the Court enter judgment  
17 dismissing Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. §  
18 2254 (Doc. # 1) as moot. The Clerk shall terminate this action.

19       DATED this 14<sup>th</sup> day of January, 2009.

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24       \_\_\_\_\_  
25       Neil V. Wake  
26       United States District Judge  
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