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

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Robert Eugene McGill,

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No. CV-07-2018-PHX-GMS (JRI)

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Petitioner,

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**ORDER**

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v.

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Laura Schweitzer, et al.,

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Respondents.

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Pending before the Court are Petitioner’s petition for writ of habeas corpus/civil rights complaint and United States Magistrate Judge Irwin’s Report and Recommendation (“R&R”). (Dkt. ## 1 & 26). The R&R recommends that the Court **dismiss with prejudice** the petition because Petitioner is not entitled to relief from the statute of limitations, and his petition is therefore untimely. Dkt. # 26 at 10. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 10 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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

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1 a de novo determination . . . of any portion of the magistrate judge’s disposition to which  
2 specific written objection has been made[.]”). The Court has nonetheless reviewed the  
3 R&R and finds that it is well-taken. The Court will accept the R&R and dismiss with  
4 prejudice the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may  
5 accept, reject, or modify, in whole or in part, the findings or recommendations made by  
6 the magistrate”); Fed. R. Civ. P. 72(b) (same).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Irwin’s R&R (Dkt. #26) is **accepted**.
- 9 2. Petitioner’s petition for writ of habeas corpus (Dkt. # 1) is **dismissed with**  
10 **prejudice**.
- 11 3. The Clerk of Court shall **terminate** this action.

12 DATED this 6<sup>th</sup> day of October, 2008.

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15 G. Murray Snow  
16 United States District Judge  
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