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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

VAN BERNARD BRANCH,
Petitioner,
v.
DORA SCHRIRO and ARIZONA
ATTORNEY GENERAL,
Respondents.

No. CV 08-076-PHX-SMM (MEA)

MEMORANDUM OF DECISION AND ORDER

Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), filed January 14, 2008. An Amended Petition was later filed on June 20, 2008 (Doc. 7). The matter was referred to Magistrate Judge Mark E. Aspey for Report and Recommendation (Doc. 2). On December 24, 2008 the Magistrate Judge filed a Report and Recommendation with this Court (Doc. 16). To date, no objections have been filed.

STANDARD OF REVIEW

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have ten days from the service of a copy of the Magistrate's recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan,

1 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is
2 a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”
3 Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998).

4 **DISCUSSION**

5 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
6 Objections having been made by any party thereto, the Court hereby incorporates and adopts
7 the Magistrate Judge’s Report and Recommendation.

8 **CONCLUSION**

9 For the reasons set forth,

10 **IT IS ORDERED** that the Court adopts the Report and Recommendation of the
11 Magistrate Judge (Doc. 16).

12 **IT IS FURTHER ORDERED** that Petitioner’s Petition for Writ of Habeas Corpus
13 is **DENIED** and dismissed with prejudice, terminating this case.

14 DATED this 22nd day of January, 2009.

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18 Stephen M. McNamee
19 United States District Judge
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