

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Singh H. Sohal-Kulvinder,)	No. CV 08-0129 PHX-NVW (MB)
)	
Petitioner,)	ORDER
)	
v.)	
)	
Katrina S. Kane,)	
)	
Respondent.)	
_____)	

Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Burns (Doc. # 13) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 (Doc. # 1). The R&R recommends that the Petition be denied. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at page 8 (citing 28 U.S.C. § 636(b)). Both parties filed objections. (Doc. # 14, 15.) Respondent has filed a response to Petitioner’s Objection. (Doc. # 16.)

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 the parties' 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"). The Court notes that the
5 government has obtain new travel papers to Indian for Petitioner and he was due to have
6 traveled there August 26, 2008. (Doc. # 16 & Ech. 1.) If for any reason he has not
7 traveled, he cannot complaint about the government for it.

8 Insofar as the Magistrate Judge also ruled on any non-dispositive matters, error
9 may not be assigned to any defect in those rulings to the extent that an aggrieved party
10 did not file a timely objection. Fed. R. Civ. P. 72(a) ("Within 10 days after being served
11 with a copy of the magistrate judge's order, a party may serve and file objections to the
12 order; a party may not thereafter assign as error a defect in the magistrate judge's order to
13 which objection was not timely made."). The absence of a timely objection precludes
14 later assignment of error in this court or in any higher court of the non-dispositive rulings
15 of a magistrate judge. *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.
16 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

17 IT IS THEREFORE ORDERED that the Report and Recommendation of the
18 Magistrate Judge (Doc. # 13) is accepted.

19 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
20 Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2251
21 (Doc. # 1). The Clerk shall terminate this action.

22 DATED this 2nd day of September, 2008.

23
24
25 
26 _____
27 Neil V. Wake
28 United States District Judge