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

Edwin Herbert Hundsdorfer,	)	No. CV-08-0251-PHX-DGC (JRI)
Petitioner,	)	<b>ORDER</b>
v.	)	
Robert Stewart, et al.,	)	
Respondents.	)	

Pending before the Court are Petitioner Edwin Herbert Hundsdorfer’s petition for writ of habeas corpus and United States Magistrate Judge Irwin’s Report and Recommendation (“R&R”). Dkt. ##1, 22. The R&R recommends that the Court dismiss Grounds 1 and 3 of the Petition with prejudice and deny the remainder of the petition. Dkt. #22 at 17. 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 17 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

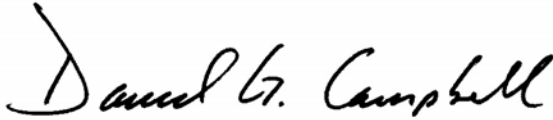
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”). The Court will accept the R&R and dismiss with prejudice Grounds 1 and 3 of the Petition and

1 deny the remainder of the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court  
2 “may accept, reject, or modify, in whole or in part, the findings or recommendations made  
3 by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or  
4 modify the recommended disposition; receive further evidence; or return the matter to the  
5 magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Irwin’s R&R (Dkt. #22) is **accepted**.  
8 2. Grounds 1 and 3 of Petitioner Edwin Herbert Hundsdorfer’s petition for writ  
9 of habeas corpus (Dkt. #1) are **dismissed with prejudice**. The remainder of Petitioner  
10 Edwin Herbert Hundsdorfer’s petition for writ of habeas corpus (Dkt. #1) is **denied**.  
11 3. The Clerk of Court shall **terminate** this action.

12 DATED this 17th day of June, 2009.

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David G. Campbell  
United States District Judge

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