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

Rene Sfrantzy,)	No. CV08-0313 PHX-DGC (JJM)
Petitioner,)	ORDER
v.)	
Eric Holder,)	
Respondent.)	

Pending before the Court are Petitioner Rene Sfrantzy’s petition for writ of habeas corpus and United States Magistrate Judge Jacqueline J. Marshall’s Report and Recommendation (“R&R”). Dkt. ##1, 12. The R&R recommends that the Court dismiss the petition with prejudice because Petitioner has been removed from the United States rendering the petition moot. Dkt. #12 at 1-2. 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 3 (citing 28 U.S.C. § 636(b)(1); 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

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

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Jacqueline J. Marshall’s R&R (Dkt. #12) is **accepted**.
8 2. Petitioner Rene Sfrantzy’s petition for writ of habeas corpus (Dkt. #1) is
9 **dismissed with prejudice**.
10 3. The Clerk of Court shall **terminate** this action.

11 DATED this 9th day of November, 2009.

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David G. Campbell
United States District Judge

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