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

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Richard Scott Jongeward,

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No. CV-08-562-PHX-GMS

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Petitioner,

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ORDER

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v.

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Charles Ryan, et al.,

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Respondents.

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Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus, Motion for Status, Notice of Appeal and United States Magistrate Judge Jacqueline Marshall’s Report and Recommendation (“R&R”). (Doc. 1, 31, 32, 33). The R&R recommends that the Court dismiss the Petition. (Doc. 32 at 6). The Magistrate Judge advised the parties that they had fourteen 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 7 (citing *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)).

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Despite being advised of his ability to file objections to the R&R, Petitioner did not file an objection, but instead filed a Notice of Appeal (Doc. 33). Even should this Court consider the Notice of Appeal as an objection, it contains no objections to the R&R. Because Petitioner did not raise any objections to the R&R, the Court is relieved 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

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1 the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine
2 de novo any part of the magistrate judge’s disposition that has been properly objected to.”).
3 The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
4 accept the R&R and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district
5 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
6 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
7 or modify the recommended disposition; receive further evidence; or return the matter to the
8 magistrate judge with instructions.”).

9 **IT IS ORDERED:**

- 10 1. Magistrate Judge Marshall’s R&R (Doc. 32) is **ACCEPTED**.
11 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**.
12 3. The Clerk of the Court shall **TERMINATE** this action.

13 DATED this 26th day of August, 2010.

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17 G. Murray Snow
18 United States District Judge
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