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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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JEFFREY J. CANTU

No. CV 08-576-PHX-SMM (GEE)

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Petitioner,

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vs.

**MEMORANDUM OF DECISION AND
ORDER**

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CRAIG APKER,

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Respondent,

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STANDARD OF REVIEW

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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

1 to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a
2 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of
3 the Magistrate Judge’s factual findings and waives all objections to those findings on
4 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a
5 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of
6 finding waiver of an issue on appeal.” Id.

7 **DISCUSSION**

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

11 **CONCLUSION**

12 For the reasons set forth,

13 **IT IS ORDERED** that the Court adopts the Report and Recommendation of the
14 Magistrate Judge (Doc. 13).

15 **IT IS FURTHER ORDERED** that Petitioner’s Petition for Writ of Habeas
16 Corpus (Doc. 1) is **DENIED**, terminating this case.

17 DATED this 31st day of October, 2008.

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21 Stephen M. McNamee
22 United States District Judge
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