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1 WO 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE DISTRICT OF ARIZONA 8 JEFFREY J. CANTU No. CV 08-576-PHX-SMM (GEE) 9 Petitioner, 10 MEMORANDUM OF DECISION AND VS. 11 CRAIG APKER, 12 Respondent, 13 14 15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus pursuant 16 to 28 U.S.C. § 2241 (Doc. 1). The matter was referred to Magistrate Judge Glenda E. 17 Edmonds for Report and Recommendation (Doc. 2). On July 29, 2008 the Magistrate Judge 18 filed a Report and Recommendation with this Court (Doc. 13). Although the Report and 19 Recommendation was filed, the docket reveals that Petitioner was not sent a copy, thereby 20 denying him the right to file objections to it. In an Order filed September 12, 2008, the Clerk 21 of Court was ordered to send a copy of the Report and Recommendation to Petitioner who 22 was given until October 10, 2008 to file any objections to it (Doc. 17). To date, no 23 objections have been filed. 24 STANDARD OF REVIEW 25 The Court "may accept, reject, or modify, in whole or in part, the findings or 26 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see Baxter v. 27 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." <u>Id.</u>
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 31 st day of October, 2008.
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20	Stephen M. McNamee United States District Judge
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