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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Charles Lee Patterson,
Petitioner,

vs.

Charles L. Ryan, et al.,
Respondents.

) No.CIV 08-0655-PHX-SMM (HCE)

)
)
) **MEMORANDUM OF DECISION AND**
) **ORDER**

Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. #6). The matter was referred to Magistrate Judge Hector C. Estrada for a Report and Recommendation (Doc. #5). On February 24, 2010, the Magistrate Judge filed a Report and Recommendation with this Court (Doc. #32). To date, no objections have been filed.

STANDARD OF REVIEW

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 fourteen days from the service of a copy of the Magistrate’s recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is

1 a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”

2 Id.

3 **DISCUSSION**

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

7 **CONCLUSION**

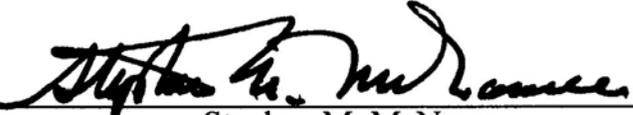
8 For the reasons set forth,

9 **IT IS HEREBY ORDERED** that the Court adopts the Report and Recommendation
10 of the Magistrate Judge (Doc. #32).

11 **IT IS FURTHER ORDERED** that Petitioner’s Petition for Writ of Habeas Corpus
12 is **DENIED** and **DISMISSED**, terminating this case. The Clerk of the Court shall enter
13 judgment accordingly.

14 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
15 proceed in forma pauperis on appeal are **DENIED** because Petitioner has not made
16 substantial showings of the denials of constitutional rights, and dismissals were justified by
17 plain procedural bars and jurists of reason would not find the procedural rulings debatable.

18 DATED this 22nd day of March, 2010.

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21 _____
22 Stephen M. McNamee
23 United States District Judge
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