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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Maria L. Villajin, Petitioner, v. Michael Mukasey, Respondent.	No. CV08-0839 PHX-DGC (ECV) **ORDER**

Pending before the Court are Petitioner Maria L. Villajin's petition for writ of habeas corpus and United States Magistrate Judge Edward C. Voss's Report and Recommendation ("R&R"). Dkt. ##1, 26. The R&R recommends that the Court deny the petition because the Court finds that Petitioner's claim in ground two of ineffective assistance of counsel is without merit. Dkt. #26 at 4. 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 4-5 (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 Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the

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district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.").

IT IS ORDERED:

1. Magistrate Judge Edward C. Voss's R&R (Dkt. #26) is **accepted**.

2. Petitioner Maria L. Villajin's petition for writ of habeas corpus (Dkt. #1) is **denied**.

3. The Clerk of Court shall **terminate** this action.

DATED this 4th day of August, 2009.

David G. Campbell
United States District Judge