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

Mark Theron Block,)	No. CV08-881-PHX-DGC (BPV)
Petitioner,)	ORDER
v.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Pending before the Court are Petitioner Mark Theron Block’s petition for writ of habeas corpus and United States Magistrate Judge Bernardo P. Velasco’s Report and Recommendation (“R&R”). Dkt. ##1, 13. The R&R recommends that the Court dismiss the petition because Petitioner has procedurally defaulted both claims asserted in Grounds One and Two of his petition and Petitioner has not established cause for his procedural default for either claim. Dkt. #13 at 13. 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 14 (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

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

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Bernardo P. Velasco’s R&R (Dkt. #13) is **accepted**.
9 2. Petitioner Mark Theron Black’s petition for writ of habeas corpus (Dkt. #1) is
10 **dismissed**.
11 3. The Clerk of Court shall **terminate** this action.

12 DATED this 3rd day of December, 2009.

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David G. Campbell
United States District Judge