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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Nestor D. Murillo-Flores,

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No. CV 08-0943-PHX-JAT

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Petitioner,

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**ORDER**

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vs.

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Michael B. Mukasey, et al.,

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Respondents.

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Pending before the Court is Petitioner’s Amended Petition for Writ of Habeas Corpus (“Petition”) (Doc. #2) filed pursuant to 28 U.S.C. § 2241. The Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. #30) recommending that the Petition be denied.

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Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

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Accordingly,

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**IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. #30) is **ACCEPTED**;

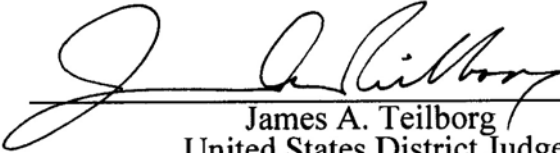
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**IT IS FURTHER ORDERED** that Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. #2) is **DENIED**; and

**IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** in the event the circumstances surrounding Petitioner's detention change.

DATED this 5<sup>th</sup> day of February, 2009.

  
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James A. Teilborg  
United States District Judge