

1 **WO**

2

3

NOT FOR PUBLICATION

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Steven Michael Cabrera,

)

No. CV-08-1180-PHX-GMS (DKD)

10

Petitioner,

)

ORDER

11

v.

)

12

Deputy Warden Bock, et al.,

)

13

Respondents.

)

14

)

15

16

Pending before the Court are Petitioner’s petition for writ of habeas corpus/civil rights complaint and United States Magistrate Judge Duncan’s Report and Recommendation (“R&R”). Dkt. ## 1, 16. The R&R recommends that the Court deny and dismiss the petition with prejudice . Dkt. # 16 at 11. The Magistrate Judge advised the parties that they had fourteen 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 11 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

24

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

28

1 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
2 accept the R&R and deny and dismiss the Petition with prejudice. *See* 28 U.S.C. § 636(b)(1)
3 (stating that the district court “may accept, reject, or modify, in whole or in part, the findings
4 or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
5 may accept, reject, or modify the recommended disposition; receive further evidence; or
6 return the matter to the magistrate judge with instructions.”).

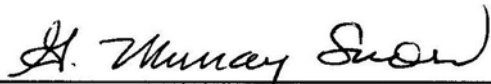
7 **IT IS ORDERED:**

8 1. Magistrate Judge Duncan’s R&R (Dkt. # 16) is **ACCEPTED**.

9 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DENIED** and
10 **DISMISSED WITH PREJUDICE**.

11 3. The Clerk of the Court shall **TERMINATE** this action.

12 DATED this 3rd day of May, 2010.

13
14 
15 _____
16 G. Murray Snow
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28