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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Peter Mohammed Sharma,
Petitioner,
vs.
Dora B. Schriro, et al.,
Respondents.

No. CV-08-1221-PHX-ROS

ORDER

Pending before the Court is Magistrate Judge Hector C. Estrada’s Report and Recommendation, which was filed on September 22, 2009. (Doc. 18) Magistrate Judge Estrada recommends the petition for writ of habeas corpus be denied in part and the remainder be dismissed. Petitioner has not filed any objections.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal quotations and citations omitted).

1 No objections being made, the Court will adopt the Report and Recommendation in
2 full. Pursuant to 28 U.S.C. foll. § 2254, R. 11, the Court must “issue or deny a certificate of
3 appealability when it enters a final order adverse to the applicant.” A certificate of
4 appealability will be denied because the applicant has not made a substantial showing of the
5 denial of a constitutional right as required by 28 U.S.C.A § 2253(c)(2)


6 Accordingly,

7 **IT IS ORDERED** the Report and Recommendation is **ADOPTED** and the
8 Petition (Doc. 1) shall be **DENIED** in part and the remainder **DISMISSED**.

9 **FURTHER ORDERED** a certificate of appealability **IS DENIED**.

10 DATED this 16th day of December, 2009.

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Roslyn O. Silver
United States District Judge