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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Glenn M. O’Dell,

Petitioner,

vs.

Dora B. Schriro, et al.,

Respondents.

No. 08-cv-1400-PHX-ROS

ORDER

Pending before the Court is Magistrate Judge Jay R. Irwin’s Report and Recommendation. (Doc. 13) Magistrate Judge Irwin recommends the petition for writ of habeas corpus be dismissed with prejudice. Petitioner filed a request for an extension of time to file objections, which this Court granted. (Doc. 14, 15) Petitioner did not, however, file 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

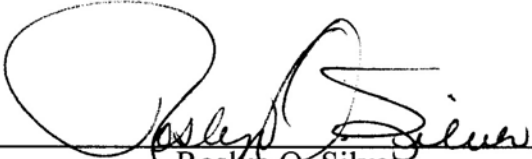
1 factual and legal issues is required if objections are made, but not otherwise.”) (internal
2 quotations and citations omitted).

3 No objections being made, the Court will adopt the Report and Recommendation in
4 full.

5 Accordingly,
6 **IT IS ORDERED** the Report and Recommendation is **ADOPTED** and the Petition
7 (Doc. 1) shall be **DISMISSED**.

8 DATED this 6th day of August, 2009.

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Roslyn O. Silver
United States District Judge