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

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Vladimir Figueroa Vidal,

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No. CV 08-1433-PHX-NVW (JRI)

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Petitioner,

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**ORDER**

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v.

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Dora B. Schriro, et. al.,

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Respondents.

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Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Jay R. Irwin (Doc. # 20) regarding petitioner’s Second Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. # 10). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 12 (citing 28 U.S.C. § 636(b)). No objections were filed.

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Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. *See* 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); *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.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A party may serve and file objections to the order within 10 days after being served with a copy

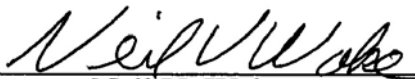
1 [of the magistrate's order]. A party may not assign as error a defect in the order not timely  
2 objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps*  
3 *v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

4 Notwithstanding the absence of an objection, the court has reviewed the R&R and  
5 finds that it is well taken. The court will accept the R&R and dismiss the Petition. *See* 28  
6 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or  
7 in part, the findings or recommendations made by the magistrate”).

8 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
9 Judge (Doc. # 20) is accepted.

10 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment dismissing  
11 petitioner's Second Amended Petition for Writ of Habeas Corpus filed pursuant to 28  
12 U.S.C. § 2254 (Doc. # 10) with prejudice. The Clerk shall terminate this action.

13 DATED this 8<sup>th</sup> day of September, 2009.

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Neil V. Wake  
United States District Judge