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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Kenyon O. Hamwright,

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No. CV 08-1706-PHX-MHM

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Petitioner,

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**ORDER**

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vs.

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Charles L. Ryan, et al.,

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Respondents.

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Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on September 15, 2008. On November 12, 2008, Respondents filed their response to Petitioner's Petition for Writ of Habeas Corpus and Petitioner filed a reply on December 12, 2008. On April 27, 2010, the Magistrate Judge issued his Report and Recommendation recommending that the petition be dismissed.

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In his Report and Recommendation the Magistrate Judge advised the parties that they had 10 days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed. Failure to timely file objections to any factual or legal determination of the Magistrate Judge

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1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*  
2 *United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*).

3 After a complete and independent review of the issues presented, the Court finds itself  
4 in agreement with the Report and Recommendation of the Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
6 as the order of this Court [doc. 11].

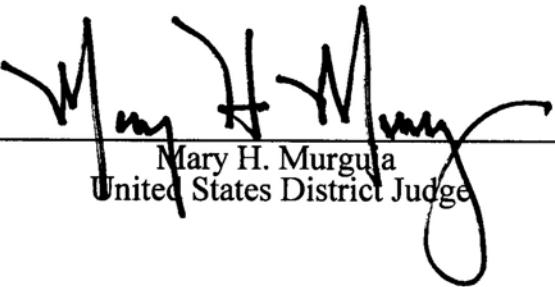
7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied  
8 and dismissed with prejudice.

9 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

10 IT IS FURTHER ORDERED that a Certificate of Appealability and leave to proceed  
11 *in forma pauperis* on appeal is denied because Petitioner has not made a substantial showing  
12 of the denial of a constitutional right.

13 DATED this 16<sup>th</sup> day of June, 2010.

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Mary H. Murgula  
United States District Judge