

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Corey L. Berry,)	No. CV-08-1779-PHX-GMS (JRI)
Petitioner,)	ORDER
v.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Irwin’s Report and Recommendation (“R&R”). Dkt. ## 1, 9. The R&R recommends that the Court deny the Petition. The Magistrate Judge advised the parties that they had ten 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 10 (citing Fed. R. Civ. P. 72(b) and 8(b) Rules Governing Section 2254 Proceedings; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

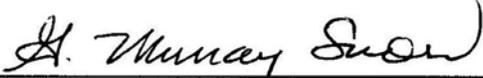
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will

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

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Irwin’s R&R (Dkt. #9) is **accepted**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **denied**.
- 9 3. The Clerk of Court shall **terminate** this action.

10 DATED this 26th day of August, 2009.

11
12 
13 _____
14 G. Murray Snow
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26
27
28