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NOT FOR PUBLICATION

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

Shawn Lorin Henderson,
Petitioner,
v.
Dora B. Schriro, et al.,
Respondents.

) No. CV-08-1840-PHX-GMS

ORDER

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Jay R. Irwin’s Report and Recommendation (“R&R”). Dkt. ## 1, 12. The R&R recommends that the Court deny the Petition. Dkt. # 12 at 16. The Magistrate Judge advised the parties that they had fourteen (14) 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 17 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

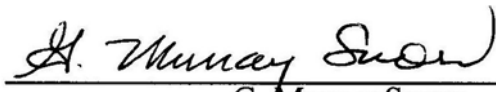
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”);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

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

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Jay R. Irwin’s R&R (Dkt. # 12) is **ACCEPTED**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DENIED**.
- 10 3. The Clerk of Court shall **TERMINATE** this action.
- 11 4. A certificate of appealability is **DENIED** with respect to Petitioner’s habeas
12 claims. Petitioner has not made a substantial showing of the denial of a constitutional right.

13 DATED this 2nd day of March, 2010.

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16 G. Murray Snow
17 United States District Judge
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