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NOT FOR PUBLICATION

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

Kraig Clark,
Petitioner,
v.
Charles L. Ryan, et al.,
Respondents.

No. CV-08-1844-PHX-GMS

ORDER

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Anderson’s Report and Recommendation (“R&R”). Dkt. ## 1, 11. The R&R recommends that the Court deny the petition. Dkt. # 11 at 15. 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 15-16 (citing [28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

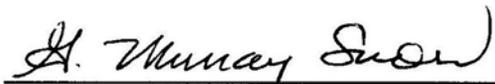
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”);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

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

6 **IT IS HEREBY ORDERED:**

- 7 1. Magistrate Judge Anderson’s R&R (Dkt. # 11) 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 7th day of July, 2009.

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14 G. Murray Snow
15 United States District Judge
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