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

Khalid El Sheriff,)	No. CV 08-1915 PHX-DGC (DKD)
Petitioner,)	ORDER
v.)	
Eric Holder, et al.,)	
Respondents.)	

Pending before the Court are Petitioner Khalid El Sheriff’s petition for writ of habeas corpus and United States Magistrate Judge David K. Duncan’s Report and Recommendation (“R&R”). Dkt. ##1, 19. The R&R recommends that the Court dismiss the Petition as moot because Petitioner has been released from custody. Dkt. #19 at 1. 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 1-2 (citing 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)).

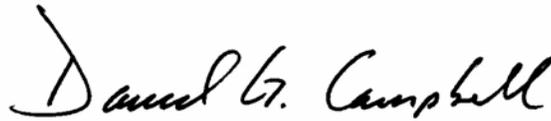
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 will accept the R&R and dismiss the Petition as moot. *See* 28 U.S.C. § 636(b)(1)

1 (stating that the district court “may accept, reject, or modify, in whole or in part, the findings
2 or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
3 may accept, reject, or modify the recommended disposition; receive further evidence; or
4 return the matter to the magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge David K. Duncan’s R&R (Dkt. #19) is **accepted**.
7 2. Petitioner Khalid El Sheriff’s petition for writ of habeas corpus (Dkt. #1) is
8 **dismissed as moot**.
9 3. The Clerk of Court shall **terminate** this action.

10 DATED this 22nd day of May, 2009.

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David G. Campbell
United States District Judge