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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Christopher Wayne Brown,

Petitioner,

vs.

Ricardo E. Chavez,

Respondent.

) No. CV-08-2203-PHX-ROS

) **ORDER**

_____)

Pending before the Court is Magistrate Judge Edward C. Voss’s Report and Recommendation, which was filed on October 9, 2009. (Doc. 12) Magistrate Judge Voss recommends the petition for writ of habeas corpus be denied and dismissed with prejudice, Petitioner has not filed any objections. Also before the Court is Movant Olaf Juda’s Motion for service of Amicus Response (Doc. 14).

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; see also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of

1 factual and legal issues is required if objections are made, but not otherwise.”) (internal
2 quotations and citations omitted).

3 No objections being made, the Court will adopt the Report and Recommendation in
4 full. Pursuant to 28 U.S.C. foll. § 2254, R. 11, the Court must “issue or deny a certificate of
5 appealability when it enters a final order adverse to the applicant.” A certificate of
6 appealability will be denied because the applicant has not made a substantial showing of the
7 denial of a constitutional right as required by 28 U.S.C.A § 2253(c)(2)

8
9 Accordingly,

10 **IT IS ORDERED** the Report and Recommendation is **ADOPTED** and the
11 Petition (Doc. 1) shall be **DENIED** and **DISMISSED WITH PREJUDICE**.

12 **FURTHER ORDERED** a certificate of appealability **IS DENIED**.

13 **FURTHER ORDERED** Movant Olaf Juda’s Motion for service of Amicus
14 Response (Doc. 14) **IS DENIED**.

15 DATED this 14th day of December, 2009.

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19 Roslyn O. Silver
United States District Judge