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

Stephen M. Helton,	)	No. CV 08-2300 PHX-NVW (MHB)
	)	
Petitioner,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Charles L. Ryan, et al.,	)	
	)	
Respondents.	)	

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Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Burns (Doc. # 19) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. # 1). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 22 (citing 28 U.S.C. § 636(b)). No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. See 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); *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.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A party may serve and file objections to the order within 10 days after being served with a copy

1 [of the magistrate's order]. A party may not assign as error a defect in the order not timely  
2 objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps*  
3 *v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

4 Notwithstanding the absence of an objection, the court has reviewed the R&R and  
5 finds that it is well taken. The court will accept the R&R and dismiss the Petition. *See* 28  
6 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or  
7 in part, the findings or recommendations made by the magistrate”).

8 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
9 Judge (Doc. #19) is accepted.

10 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying  
11 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. #  
12 1) and dismiss it with prejudice. The Clerk shall terminate this action.

13 DATED this 26<sup>th</sup> day of January, 2010.

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Neil V. Wake  
United States District Judge