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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kenneth Alexander Ford,)	No. CV-08-2363-PHX-ROS
Petitioner,)	ORDER
vs.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Pending before the Court is Magistrate Judge Jay R. Irwin’s Report and Recommendation, which was filed on January 11, 2010. (Doc. 16). Magistrate Judge Irwin recommends the petition for writ of habeas corpus be denied in part and the remainder be dismissed with prejudice. Judge Irwin also recommends a certificate of appealability be denied. Petitioner has not filed any objections.

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 factual and legal issues is required if objections are made, but not otherwise.”) (internal


1 quotations and citations omitted). No objections being made, the Court will adopt the Report
2 and Recommendation in full.

3 Accordingly,

4 **IT IS ORDERED** the Report and Recommendation (Doc. 16) is **ADOPTED** and
5 the Petition (Doc. 1) shall be **DENIED** in part and the remainder **DISMISSED WITH**
6 **PREJUDICE** as set forth in the Report and Recommendation.

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

8 DATED this 26th day of January, 2010.

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12 Roslyn O. Silver
13 United States District Judge
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