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

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Freddie Lee Thornton,

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No. CV-09-00094-PHX-GMS (JRI)

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Petitioner,

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ORDER

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v.

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Charles L. Ryan, et al.,

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Respondents.

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Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Irwin’s Report and Recommendation (“R&R”). Docs. 1, 15. The R&R recommends dismissing with prejudice in part and denying in part. The Magistrate Judge advised the parties that they had fourteen 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 23-24 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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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-taken. The Court will

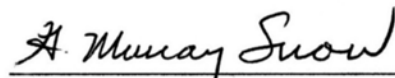
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1 accept the R&R and dismiss with prejudice/deny the Petition. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the findings
3 or recommendations made by the magistrate”); Fed. R. Civ.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

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Irwin’s R&R (Doc. 15) is **accepted**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed with**
9 **prejudice in part and denied in part**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
12 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
13 reasonable jurists would not find the Court’s procedural ruling debatable. *See Slack v.*
14 *McDaniel*, 529 U.S. 473, 484 (2000).

15 DATED this 3rd day of March, 2011.

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18 G. Murray Snow
19 United States District Judge
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