

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Vinod Kumar,)	No. CV 09-0401-PHX-GMS (JRI)
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Katrina S. Kane, et al.,)	
)	
Respondents.)	

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”). Dkt. ## 1, 16. The R&R recommends that the Court dismiss the petition. Dkt. # 16 at 5. 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 6 (citing 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 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district

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

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Irwin’s R&R (Dkt. # 16) is **ACCEPTED**.
7 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DISMISSED**
8 **WITH PREJUDICE**.
9 3. The Clerk of Court shall **TERMINATE** this action.

10 DATED this 21st day of January, 2010.

11 
12 _____
13 G. Murray Snow
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28