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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Juan Gabriel Rodriguez,

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No. CV 09-0466-PHX-JAT

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Petitioner,

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ORDER

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vs.

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Charles Ryan, et al.,

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Respondents.

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Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus (“Petition”) (Doc. #1). The Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. #21) recommending that the Petition be denied.

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Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

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Accordingly,

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IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc.

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#21) is **ACCEPTED**;

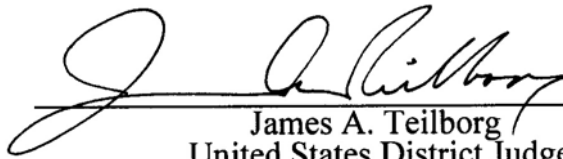
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IT IS FURTHER ORDERED that Petitioner's Petition for Writ of Habeas Corpus (Doc. #1) is **DENIED**; and

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**.

IT IS FINALLY ORDERED that pursuant to Rule 11 of the Rules Governing Section 2254 Cases, in the event Petitioner files an appeal, the Court denies issuance of a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

DATED this 3rd day of December, 2009.


James A. Teilborg
United States District Judge