

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

<p>VICTORIA OGONNA OFOEDU,</p> <p style="padding-left: 40px;">Petitioner,</p> <p style="padding-left: 80px;">vs.</p> <p>J. SCHOMIG,</p> <p style="padding-left: 40px;">Respondent.</p> <hr style="width: 100%; margin-top: 10px;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>2:09-cv-00654 JWS</p> <p>ORDER FROM CHAMBERS</p> <p>[Re: Motion at docket 19; Report at docket 25]</p>
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I. MATTER PRESENTED

In her motion at docket 19, petitioner challenges her final order of removal. Respondent was directed to and did file a response which is at docket 24. Thereafter, Magistrate Judge Michelle H. Burns filed a report at docket 25 in which she recommends that the motion be denied. Petitioner filed an objection at docket 26.

II. STANDARD OF REVIEW

The district court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.”¹ When reviewing a magistrate judge’s report and recommendation in a case such as this one, the district court conducts *de*

¹28 U.S.C. § 636(b)(1).

novo review of all conclusions of law,² and any findings of fact to which objections have been made.³ Uncontested findings of fact are reviewed for clear error.⁴

III. DISCUSSION

Having reviewed the file, including the objection, and applied the standard of review articulated above, this court concludes that the magistrate judge has correctly found the facts and applied the law. Petitioner's objections do not address the shortcomings identified in the report and are insufficient to call into question any of the magistrate judge's recommended findings and conclusions. This court adopts the recommended findings and conclusions at docket 25.

IV. CONCLUSION

For the reasons above, and based on its adoption of the findings and conclusions recommended by the magistrate judge, the motion at docket 19 is **DENIED**. The original petition having been already denied in the order at docket 22, the Clerk of Court is directed to enter judgment against petitioner and close this case.

DATED this 4th day of December 2009.

/s/ JOHN W. SEDWICK
UNITED STATES DISTRICT JUDGE

²*Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

³28 U.S.C. § 636(b)(1).

⁴*Taberer v. Armstrong World Industries, Inc.*, 954 F.2d 888, 906 (3d Cir. 1992).