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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Peter Mohammed Sharma,

Petitioner,

vs.

State of Arizona, et al.,

Respondents.

No. CV-09-1139-PHX-ROS

ORDER

Pending before the Court is Magistrate Judge Lawrence O. Anderson’s Report and Recommendation, which was filed on December 28, 2009. (Doc. 15) Magistrate Judge Anderson recommends the petition for writ of habeas corpus be denied, and a Certificate of Appealability also be denied because the dismissal of the Petition is justified by a plain procedural bar. 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 quotations and citations omitted).

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

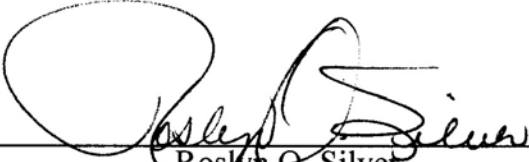
3 Accordingly,

4 **IT IS ORDERED** the Report and Recommendation (Doc. 15) is **ADOPTED** and
5 the Petition (Doc. 1) **IS DENIED**.

6 **FURTHER ORDERED** a Certificate of Appealability **IS DENIED**.

7 DATED this 19th day of January, 2010.

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Roslyn O. Silver
United States District Judge