

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Cesar Lopez,

)

No. CV 09-1549-PHX-JAT

10

Petitioner,

)

**ORDER**

11

vs.

)

12

Chuck Ryan, et al.,

)

13

Respondents.

)

14

)

15

)

16

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. #15) recommending that the Petition be denied.

19

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).

26

Based on the foregoing,

27

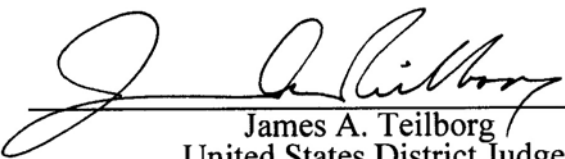
**IT IS THEREFORE ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. #15) is **ACCEPTED**; accordingly,

28

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

- Petitioner’s Petition for Writ of Habeas Corpus (Doc. #1) is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied because denial of the petition is based on a plain procedural bar and jurists of reason would not find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 27<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
James A. Teilborg  
United States District Judge