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NOT FOR PUBLICATION

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

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|-------------------|---|------------------------------|
| Yohannez Antonio, |) | No. CV-09-1558-PHX-GMS (MEA) |
| Petitioner, |) | ORDER |
| v. |) | |
| Darren Monday, |) | |
| Respondent. |) | |

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Aspey’s Report and Recommendation (“R&R”). Dkt. ## 1, 17. The R&R recommends that the Court dismiss the Petition with prejudice as moot. Dkt. # 17 at 3. The Magistrate Judge advised the parties that they had fourteen 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 3 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

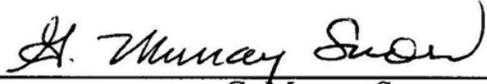
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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

1 accept the R&R and dismiss with prejudice as moot the Petition. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the findings
3 or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
4 may accept, reject, or modify the recommended disposition; receive further evidence; or
5 return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Aspey’s R&R (Dkt. # 17) is **ACCEPTED**.
8 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DISMISSED**
9 **WITH PREJUDICE AS MOOT**.
10 3. The Clerk of the Court shall **TERMINATE** this action.

11 DATED this 23rd day of March, 2010.

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14 _____
G. Murray Snow
United States District Judge

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