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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Marcos Osorio-Hernandez,
Petitioner,
vs.
Attorney General of the State of Arizona,
et al.,
Respondents.

No. CV-09-02220-PHX-ROS

ORDER

On October 27, 2010, Magistrate Judge David K. Duncan issued a Report and Recommendation (“R&R”) recommending that the petition for a writ of habeas corpus be denied. (Doc. 20). Objections to an R&R must be filed within fourteen days. Fed. R. Civ. P. 72. Petitioner did not file 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 U.S.C. § 636(b). Where any party has filed timely objections to the Magistrate Judge’s R&R, the district court’s review of the part objected to is to be *de novo*. *Id.* If, however, no objections are filed, the district court need not conduct such a review. *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). Petitioner did not file any objections and the R&R will be adopted in full.

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Accordingly,

IT IS ORDERED the Report and Recommendation (Doc. 20) is **ADOPTED**. The request for a writ of habeas corpus is **DENIED**. The Clerk shall close this case.

IT IS FURTHER ORDERED a Certificate of Appealability is **DENIED**. Dismissal of the petition is justified by a plain procedural bar and jurists of reason would not find the ruling debatable.

DATED this 30th day of November, 2010.



Roslyn O. Silver
United States District Judge