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

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Thomas Joseph Serna,

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No. CV10-0479-PHX-DGC (JRI)

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Petitioner,

)

ORDER

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v.

)

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Charles L. Ryan, et al.,

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Respondents.

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Petitioner Thomas Joseph Serna has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. United States Magistrate Judge Jay R. Irwin has issued a report and recommendation (“R&R”) recommending that the petition be dismissed without prejudice and deny as moot Petitioner’s motion to stay. Doc. 21. No objection has been filed, which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R, dismiss the petition without prejudice, and deny as moot Petitioner’s motion to stay.

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IT IS ORDERED:

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1. The R&R (Doc. 21) is **accepted**.

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2. The petition for writ of habeas corpus (Doc. 1) is **dismissed without prejudice**.

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3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**.

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4. Petitioner's motion to stay (Doc. 11) is **denied as moot**.

5. The Clerk is directed to **terminate** this action.

DATED this 27th day of October, 2010.



David G. Campbell
United States District Judge