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

Kelly Scot Kleinschmidt,)	No. CV-10-524-PHX-GMS
Petitioner,)	ORDER
v.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Voss’s Report and Recommendation (“R&R”). Docs. 1, 11). The R&R recommends that the Court deny and dismiss with prejudice the petition. Doc. 11 at 4. The Magistrate Judge advised the parties that they had 14 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 4 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

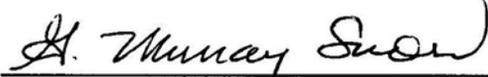
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 accept the R&R and deny and dismiss with prejudice the Petition. *See* 28 U.S.C. § 636(b)(1)

1 (stating that the district court “may accept, reject, or modify, in whole or in part, the findings
2 or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge
3 may accept, reject, or modify the recommended disposition; receive further evidence; or
4 return the matter to the magistrate judge with instructions.”).

5 **IT IS THEREFOR ORDERED:**

- 6 1. Magistrate Judge Voss’s R&R (Doc. 11) is **accepted**.
7 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied and**
8 **dismissed with prejudice**.
9 3. The Clerk of the Court shall **terminate** this action.
10 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
11 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
12 reasonable jurists would not find the Court’s procedural ruling debatable. *See Slack v.*
13 *McDaniel*, 529 U.S. 473, 484 (2000).

14 DATED this 21st day of December, 2010.

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18 G. Murray Snow
19 United States District Judge
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