

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

**WO**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Ronald E. Highsmith,  
Petitioner,

vs.

Yolanda Elliot, et al.,  
Respondents.

No. CV 10-732-PHX-EHC (LOA)

**ORDER**

On April 8, 2010, Petitioner filed a Petition for Writ of Habeas Corpus By a Person in State Custody under 28 U.S.C. § 2254 (Doc. 1). The matter was referred to Magistrate Judge Lawrence O. Anderson who filed a Report and Recommendation (Doc. 16) on November 24, 2010 recommending that the Petition be denied.

The district court reviews de novo the portions of the Magistrate Judge's Report and Recommendation to which there is a filed objection. 28 U.S.C. § 636(b)(1)(C)("a judge of the court shall make a de novo determination of those portions of the report, ..., to which objection is made."); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). The district court is not required to review any issue that is not the subject of an objection. Schmidt v. Johnstone, 263 F. Supp. 2d 1219 (D. Ariz. 2003), citing Thomas v. Arn, 474 U.S. 140, 149 (1985).

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 has not filed an objection to the Report and Recommendation. The Report and Recommendation will be adopted as the Order of the Court.

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (Doc. 16) is adopted in full, including the denial of a Certificate of Appealability.

**IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus is denied.

DATED this 28<sup>th</sup> day of December, 2010.



---

Earl H. Carroll  
United States District Judge