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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Michael Johnson,)	Case No. CV-10-1221-PHX-ROS (ECV)
Petitioner,)	ORDER
vs.)	
D. Smith, Warden - F.C.I. Phoenix,)	
Respondent.)	

Pending before the Court is Magistrate Judge Edward C. Voss’ May 16, 2011 Report and Recommendation. (Doc. 13). Magistrate Judge Voss recommends the petition for writ of habeas corpus be dismissed with prejudice. 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 report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *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).

No objections being made, the Court will adopt the Report and Recommendation in full.

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Accordingly,

IT IS ORDERED the Report and Recommendation is **ADOPTED** and the Petition (Doc. 1) is **DENIED** and this case is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED a Certificate of Appealability and leave to proceed *in forma pauperis* on appeal is **DENIED** because Petitioner has not made a substantial showing of the denial of a constitutional right.

DATED this 10th day of June, 2011.



Roslyn O. Silver
Chief United States District Judge