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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Lin Seagle,

Petitioner,

vs.

Charles Ryan, et al.,

Respondents.

No. CV-10-1342-PHX-ROS

ORDER

Pending before the Court is Magistrate Judge Michelle H. Burns’ Report and Recommendation. (Doc. 13) Magistrate Judge Burns 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.* 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 is **ADOPTED** and the Petition (Doc. 1) shall be **DISMISSED WITH PREJUDICE**. The Clerk shall enter judgment in favor of Respondents.

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 1st day of June, 2011.



Roslyn O. Silver
Chief United States District Judge