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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Fox Joseph Salerno,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

) No. CV-10-2734-PHX-ROS

) **ORDER**

_____)

On August 11, 2011, Magistrate Judge Lawrence O. Anderson issued a Report and Recommendation (“R&R”) recommending that the petition for a writ of habeas corpus be denied. (Doc. 11). Objections to an R&R must be filed within fourteen days. Fed. R. Civ. P. 72(b)(2). 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 R&R, 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 (Doc. 11) is **ADOPTED**. The request for a writ of habeas corpus is **DENIED**. The Clerk shall close this case.

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 19th day of September, 2011.



Roslyn O. Silver
Chief United States District Judge