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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Seantain Leroy Cook,

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No. CV 11-00527-PHX-FJM

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Petitioner,

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ORDER

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vs.

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Charles L. Ryan, et al.,

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Respondents.

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The court has before it a petition under 28 U.S.C. § 2254 for writ of habeas corpus (doc. 1), respondents' answer (doc. 15), petitioner's traverse (doc. 25), and the Report and Recommendation of the United States Magistrate Judge (doc. 26). No objections to the Report and Recommendation were filed and the time for doing so has expired.

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We "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). We "must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise." United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (emphasis in original). Because no objections have been made, we accept in whole the recommendations made by the magistrate judge. We agree with his findings and conclusions.

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IT IS ORDERED accepting the Report and Recommendation of the magistrate judge (doc. 26) and **DENYING** the petition under 28 U.S.C. § 2254 for a writ of habeas corpus

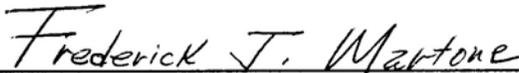
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1 (doc. 1).

2 **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave
3 to proceed *in forma pauperis*, because petitioner has failed to make a substantial showing of
4 the denial of a constitutional right under 28 U.S.C. § 2253(c)(2).

5 DATED this 1st day of June, 2012.

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Frederick J. Martone
United States District Judge