

1 **WO**

2

3

4

5

6

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

7

8

9

Sheikh Samiul Haque,

)

No. CV-11-1052-PHX-GMS (JFM)

10

Petitioner,

)

ORDER

11

v.

)

12

Katrina S. Kane,

)

13

Respondent.

)

14

15

16

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus, Motion to Withdraw and United States Magistrate Judge Metcalf’s Report and Recommendation (“R&R”). Docs. 1, 16, 19. The R&R recommends that the Court grant the motion to withdraw and dismiss the Petition for Writ of Habeas Corpus. Doc. 19 at 5. The Magistrate Judge advised the parties that they had 14 days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 16 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

24

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The

25

26

27

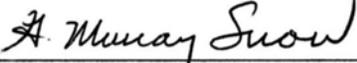
28

1 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
2 accept the R&R and grant the Motion to Withdraw and dismiss the Petition. *See* 28 U.S.C.
3 § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part,
4 the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
5 district judge may accept, reject, or modify the recommended disposition; receive further
6 evidence; or return the matter to the magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Metcalf’s R&R (Doc. 19) is **accepted**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. Because this case arises under 28 U.S.C. § 2241, no ruling on a certificate of
12 appealability is required.

13 DATED this 10th day of January, 2012.

14
15 
16 _____
17 G. Murray Snow
18 United States District Judge
19
20
21
22
23
24
25
26
27
28