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

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James E. Robinson,

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No. CV-11-1383-PHX-GMS (MHB)

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Petitioner,

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ORDER

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v.

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Charles L. Ryan, et al.,

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Respondents.

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Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Burns’ Report and Recommendation (“R&R”). Docs. 1, 13. The R&R recommends that the Court deny and dismiss the petition. Doc. 13 at p. 8. The Magistrate Judge advised the parties that they had fourteen 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 8 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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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 Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will

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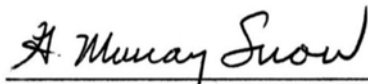
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1 accept the R&R and deny and dismiss the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that
2 the district court “may accept, reject, or modify, in whole or in part, the findings or
3 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may
4 accept, reject, or modify the recommended disposition; receive further evidence; or return
5 the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Burns’ R&R (Doc. 13) is **accepted**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied and**
9 **dismissed**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. A Certificate of Appealability and leave to proceed in forma pauperis on appeal
12 is **denied** because the dismissal of the Petition is justified by a plain procedural bar and
13 jurists of reason would not find the procedural ruling debatable.

14 DATED this 11th day of June, 2012.

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17 _____
18 G. Murray Snow
19 United States District Judge
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