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

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Boy White,

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No. CV 11-2126-PHX-GMS

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Petitioner,

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ORDER

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vs.

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Director Charles 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 Aspey’s Report and Recommendation (“R&R”). Docs. 1, 22. The R&R recommends that the Court deny the Petition. Doc. 22 at 23. 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&R¹. *Id.* at 23 (citing Fed. R. Civ. P. 72(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

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¹The Court further extended the deadline to file an objection and/or response to the R&R until March 19, 2012 (Doc. 27).

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

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Aspey’s R&R (Doc.22) is **ACCEPTED**.
- 9 2. Petitioner’s petition for writ of habeas corpus (Doc. 1) is **DISMISSED WITH**
10 **PREJUDICE**.
- 11 3. The Clerk of Court shall **TERMINATE** this action.
- 12 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
13 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
14 reasonable jurists would not find the Court’s procedural ruling debatable. *See Slack v.*
15 *McDaniel*, 529 U.S. 473, 484 (2000).

16 DATED this 27th day of March, 2012.

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19 _____
20 G. Murray Snow
21 United States District Judge
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