

1 WO
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 Everett Gregory Casteel,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.

No. CV-12-00182-PHX-GMS

ORDER

14
15 Pending before the Court are Petitioner's Second Amended Petition for Writ of
16 Habeas Corpus and United States Magistrate Judge Bridget S. Bade's Report and
17 Recommendation ("R&R"). Docs. 13, 53. The R&R recommends that the Court deny
18 the Petition. Doc. 53 at 15. The Magistrate Judge advised the parties that they had
19 fourteen days to file objections to the R&R and that failure to file timely objections could
20 be considered a waiver of the right to obtain review of the R&R. *Id.* at 15 (citing 28
21 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114,
22 1121 (9th Cir. 2003)).

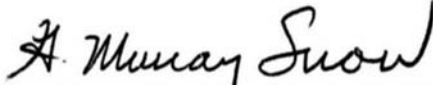
23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72 ("The district judge must determine
27 de novo any part of the magistrate judge's disposition that has been properly objected
28 to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The

1 Court will accept the R&R and deny 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, (“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 Bade’s R&R (Doc. 53) is **accepted**.
- 8 2. Petitioner’s Second Amended Petition for Writ of Habeas Corpus (Doc. 13)
9 is **denied**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
12 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 19th day of July, 2013.

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