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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Alfonso Bobbie Rhone,  
Plaintiff,  
v.  
Dennis Smith,  
Defendant.

No. CV-12-00718-PHX-GMS

**ORDER**

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Bridget S. Bade’s Report and Recommendation (“R&R”). Docs. 1, 27. The R&R recommends that the Court deny the Petition. Doc. 27 at 14. 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 14-15 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

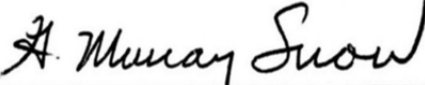
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)

1 (stating that the district court “may accept, reject, or modify, in whole or in part, the  
2 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The  
3 district judge may accept, reject, or modify the recommended disposition; receive further  
4 evidence; or return the matter to the magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Bade’s R&R (Doc. 27) is **accepted**.
- 7 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied**.
- 8 3. The Clerk of Court shall **terminate** this action.
- 9 4. A Certificate of Appealability and leave to proceed in forma pauperis on  
10 appeal are denied because Petitioner has not made a substantial showing of the denial of a  
11 constitutional right.

12 Dated this 22nd day of February, 2013.

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15 G. Murray Snow  
16 United States District Judge  
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