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

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9 Karl Douglas Sebastian,

No. CV 13-602-PHX-JAT

10 Petitioner,

**ORDER**

11 vs.

12 Charles L. Ryan, et al.,

13 Respondents.

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16 Pending before the Court is Petitioner’s Amended Petition for Writ of Habeas Corpus  
17 (“Petition”) (Doc. 4). The Magistrate Judge to whom this case was assigned issued a Report  
18 and Recommendation (“R&R”) (Doc. 11) recommending that the Petition be denied.

19 Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts  
20 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not  
21 required to conduct “any review at all . . . of any issue that is not the subject of an objection”  
22 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*  
23 *banc*) (“statute makes it clear that the district judge must review the magistrate judge’s  
24 findings and recommendations de novo if objection is made, but not otherwise” (emphasis  
25 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

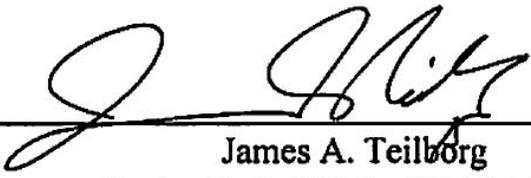
26 Based on the foregoing,

27 **IT IS THEREFORE ORDERED** that the Magistrate Judge’s Report and  
28 Recommendation (Doc. 11) is **ACCEPTED**; accordingly,

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- Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 4) is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied because denial of the petition is based on a plain procedural bar and jurists of reason would not find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 5<sup>th</sup> day of May, 2014.

  
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**James A. Teilborg**  
**Senior United States District Judge**