

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

Leonard Duane Griffith,

Petitioner,

v.

Unknown Smith,

Respondent.

No. CV-13-00612-PHX-GMS

**ORDER**

Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and United States Magistrate Judge Michelle H. Burns' Report and Recommendation ("R&R"). Docs. 1, 12. The R&R recommends that the Court deny the Petition and dismiss with prejudice. Doc. 12 at 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); Rules 6(a)(b), 72, Federal Rules of Civil Procedure; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

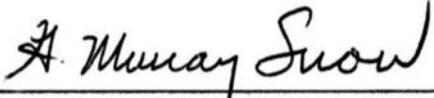
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.");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

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

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Burns’ R&R (Doc. 12) is **accepted**.
- 9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **denied and**  
10 **dismissed with prejudice**.
- 11 3. The Clerk of Court shall **terminate** this action and enter judgment  
12 accordingly.
- 13 4. Because this case arises under 28 U.S.C. § 2241, no ruling on a certificate  
14 of appealability is required.

15 Dated this 24th day of February, 2014.

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