

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Jonathan McAllister, Sr.,

)

No. CV 13-1042-PHX-JAT

10

Petitioner,

)

**ORDER**

11

vs.

)

12

Charles L. Ryan, et al.,

)

13

Respondents.

)

14

15

16

On June 18, 2014, Magistrate Judge Aspey issued a Report and Recommendation recommending that this case should be dismissed without prejudice. Doc. 23.

18

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

25

Based on the foregoing,

26

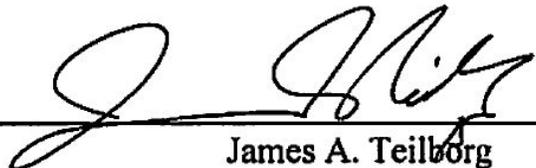
**IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. 23) is **ACCEPTED**; accordingly,

28

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

- Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is dismissed without prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied, and
- the Clerk of the Court shall enter judgment of dismissal without prejudice.

DATED this 22<sup>nd</sup> day of July, 2014.

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