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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Emmet Darnell Wall,

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No. CV 13-1275-PHX-JAT

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Petitioner,

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ORDER

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vs.

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Attorney General Of the State of Arizona,
et al.,

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Respondent.

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Pending before the Court is Petitioner’s Amended Petition for Writ of Habeas Corpus (“Petition”) (Doc. 5). The Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. 17) recommending that the Petition be denied.

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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).

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Based on the foregoing,

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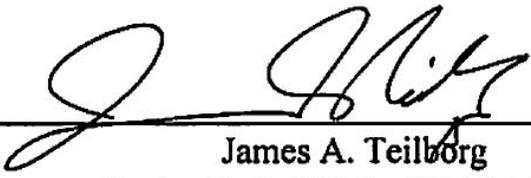
IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 17) is **ACCEPTED**; accordingly,

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- Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 5) is denied and dismissed with prejudice,
- that pursuant to Rule 11 of the Rules Governing Section 2254 Cases, in the event Petitioner files an appeal, the Court denies issuance of a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right, *see* 28 U.S.C. § 2253(c)(2), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 13th day of November, 2014.



James A. Teilborg
Senior United States District Judge