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

Ruben Nevarez,

Petitioner,

v.

Charles L. Ryan, et al.,

Respondents.

No. CV-13-02286-PHX-DLR

ORDER

Pending before the Court are Petitioner Ruben Nevarez’s Petition for Writ of Habeas Corpus and United States Magistrate Judge James F. Metcalf’s Report and Recommendation (“R&R”). (Docs. 1, 23.) The R&R recommends that the Court deny the Petition. (Doc. 23 at 44.) 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 44 (citing Fed. R. Civ. P. 72(b); *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) (stating that the district court “may accept, reject, or modify, in whole or in part, the

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

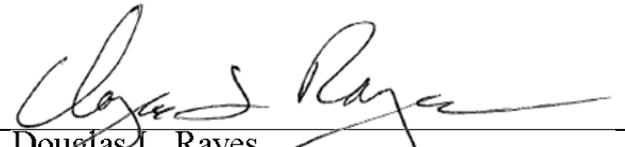
4 **IT IS ORDERED** that Magistrate Judge Metcalf’s R&R (Doc. 23) is **accepted**.

5 **IT IS FURTHER ORDERED** that Petitioner’s Petition for Writ of Habeas
6 Corpus (Doc. 1) is **dismissed**.

7 **IT IS FURTHER ORDERED** that the Clerk of Court shall **terminate** this action.

8 Dated this 12th day of January, 2015.

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Douglas L. Rayes
United States District Judge