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

Ellis Eugene Pittman,
Petitioner,
v.
Charles L. Ryan, et al.,
Respondents.

No. CV-14-01665-PHX-GMS
ORDER

Pending before the Court are Petitioner’s Second Amended Petition for Writ of Habeas Corpus and United States Magistrate Judge John Z. Boyle’s Report and Recommendation (“R&R”). Docs. 13, 18. The R&R recommends that the Court grant Ground One, deny Ground Two and dismiss with prejudice. Doc. 18 at 9. 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 16 (citing Fed. R. Civ. P. 72, 6(a), 6(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

1 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-
2 taken. The Court will accept the R&R and grants Ground One, denies Ground Two and
3 dismisses the Second Amended Petition with prejudice. *See* 28 U.S.C. § 636(b)(1)
4 (stating that the district court “may accept, reject, or modify, in whole or in part, the
5 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
6 district judge may accept, reject, or modify the recommended disposition; receive further
7 evidence; or return the matter to the magistrate judge with instructions.”).

8 **IT IS ORDERED:**

9 1. Magistrate Judge Boyle’s R&R (Doc. 18) is **accepted**.

10 2. Petitioner’s Second Amended Petition for Writ of Habeas Corpus (Doc. 13)
11 is **granted as to Ground One and denied as to Ground Two and dismissed with**
12 **prejudice**.

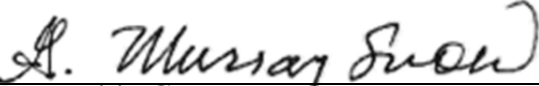
13 3. The State of Arizona is to transfer Petitioner to federal custody for
14 Petitioner to begin serving his five-year sentence in CR-12-20-DLB-2 (Eastern District of
15 Kentucky).

16 4. The Court shall retain jurisdiction over this matter for six months, absent
17 further request of the parties.

18 5. The Clerk of Court shall **terminate** this action and enter judgment
19 accordingly.

20 6. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
21 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
22 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
23 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

24 Dated this 25th day of January, 2016.

25 
26

Honorable G. Murray Snow
27 United States District Judge
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