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

9 Daniel Lee Mellinger,

10 Petitioner,

11 v.

12 Warden Graber,

13 Respondent.

No. CV 14-1806-PHX-DGC (MHB)

ORDER

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15 Petitioner Daniel Lee Mellinger has filed a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2241. Doc. 1. United States Magistrate Judge Michelle Burns
17 has issued a report and recommendation that the petition be denied (“R&R”). Doc. 31.
18 Petitioner has filed a document titled “No Objection to the R&R, with Corrections to
19 Error in some Facts.” Doc. 32. Petitioner states: “Petitioner has no real objection to the
20 conclusions reached in the R&R because he understands that the 9th Circuit’s law on the
21 235(b)(3) issue goes against him. . . . That is why he asked months ago to have this Court
22 deny his habeas as long as he can appeal and try to show the 9th Circuit the error of it’s
23 conclusions.” *Id.* at 1.¹

24 Because no objection has been filed, the Court is relieved of any obligation to
25 review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*,

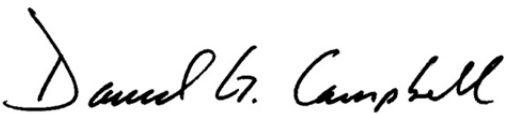
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28 ¹ Although Petitioner later makes assertions that appear to disagree with Judge
Burns’ conclusion, he simply restates arguments made before Judge Burns without
explaining why her ruling on those arguments is incorrect. Petitioner also points out
some alleged factual errors that do not affect the ruling in this case.

1 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
2 2003). The Court will accept the R&R and deny the petition.

3 **IT IS ORDERED:**

- 4 1. The Petition for Writ of Habeas Corpus (Doc. 1) is **denied**.
- 5 2. Petitioner's Motion to Rule and Allow Appeal (Doc. 29) is **denied** as moot.
- 6 3. Petitioner's Motion for Summary Judgment (Doc. 26) is **denied**.

7 Dated this 22nd day of September, 2015.

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11 David G. Campbell
12 United States District Judge
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