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

9 Caulin Spinks,
10 Petitioner,
11 v.
12 Conrad Graber,
13 Respondent.

No. CV-14-02340-PHX-DLR

ORDER

Pending before the Court are Petitioner Caulin Spinks' Petition for Writ of Habeas Corpus, (Doc. 1), Respondent Conrad Graber's Response to Petition for Writ of Habeas Corpus and Suggestion of Mootness, (Doc. 8), and United States Magistrate Judge John Z. Boyle's Report and Recommendation ("R&R"), (Doc. 9). The R&R recommends that the Court deny and dismiss the Petition because it is moot. (Doc. 9 at 4.) 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.* (citing Fed. R. Civ. P. 72(b)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

25 The parties did not file objections, which relieves the Court of its obligation to
26 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
27 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
28 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must

1 determine de novo any part of the magistrate judge's disposition that has been properly
2 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-
3 taken. The Court will accept the R&R and deny the Petition. *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."). Accordingly,

8 **IT IS ORDERED** that Magistrate Judge Boyle's R&R (Doc. 9) is **accepted and**
9 **adopted by the Court.**

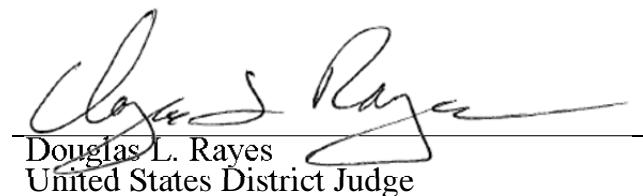
10 **IT IS FURTHER ORDERED** that Petitioner's Petition for Writ of Habeas
11 Corpus (Doc. 1) is **denied and dismissed with prejudice.**

12 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
13 proceed *in forma pauperis* on appeal are **denied.**

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

15 Dated this 19th day of August, 2015.

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Douglas L. Rayes
United States District Judge