VS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Petitioner,

Jeremiah Lee Tomlinson,

Laura Escapule, et al.,

·

Respondents.

Petitioner Jeremiah Lee Tomlinson has filed a First Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 13). The Honorable Deborah M. Fine, United States Magistrate Judge, issued a Report and Recommendation ("R&R") (Doc. 30), recommending that the Court deny the Petition. Judge Fine advised the parties that they had fourteen (14) 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. (Doc. 30 at 7); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

No. CV-15-00114-PHX-SPL

**ORDER** 

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-

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will adopt the R&R and deny the Petition. See 28 U.S.C. § 636(b)(1) strict court "may accept, reject, or modify, in whole or in part, the nendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The accept, reject, or modify the recommended disposition; receive further the matter to the magistrate judge with instructions."). Accordingly,

## ERED:

- Magistrate Judge Fine's Report and Recommendation (Doc. 30) is ted by the Court;
- the Amended Petition for Writ of Habeas Corpus pursuant to 28 a. 13) is **denied** and this action is **dismissed with prejudice**;
- certificate of appealability and leave to proceed in forma pauperis on and
  - he Clerk of Court shall **terminate** this action. 2nd day of November, 2016.

United States District Judge