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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Bobby Jerry Tatum,

No. CV-15-711-PHX-DJH (BSB)

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Petitioner,

ORDER

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v.

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Charles L. Ryan, et al.,

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Respondents.

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This matter is before the Court on Petitioner's Motion to Stay Federal Proceedings; Motion for Authorization to Represent Petitioner in Post-Conviction Proceedings (Doc. 25) and the Report and Recommendation ("R&R") issued by United States Magistrate Judge Bridget S. Bade (Doc. 27). Petitioner is represented by counsel in this case. Petitioner's counsel asserts in the motion to stay that Respondents do not oppose the motion.

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Judge Bade has explained the procedural history and status of this habeas case in the R&R and the Court need not repeat it here. After consideration of the matter, Judge Bade recommends that Petitioner's motion be granted.

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Judge Bade advised the parties that they had fourteen days to file objections and that the failure to file timely objections "may result in the acceptance of the Report and Recommendation by the District Court without further review." (Doc. 27 at 3) (citing *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Although the time for objections has not expired, the Court sees no need to wait for the deadline

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1 before ruling given that the parties are in agreement on this issue.

2 The Court has reviewed the R&R and agrees with its findings and
3 recommendations. In light of the parties' agreement that a stay is warranted here, and
4 Judge Bade's well-reasoned recommendation to grant the request, the Court will accept
5 the R&R and grant the motion. *See* 28 U.S.C. § 636(b)(1)(C) ("A judge of the court may
6 accept, reject, or modify, in whole or in part, the findings or recommendations made by
7 the magistrate judge."); Fed.R.Civ.P. 72(b)(3) (same).

8 Accordingly,

9 **IT IS ORDERED** that Magistrate Judge Bade's R&R (Doc. 27) is **accepted** and
10 **adopted** as the order of this Court.

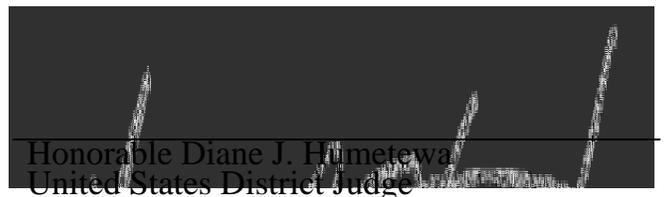
11 **IT IS FURTHER ORDERED** that the Petitioner's Motion to Stay Federal
12 Proceedings; Motion for Authorization to Represent Petitioner in Post-Conviction
13 Proceedings (Doc. 25) is **GRANTED**.

14 **IT IS FURTHER ORDERED** that this matter is **STAYED** under the terms set
15 forth in the R&R (Doc. 27 at 2-3).

16 **IT IS FINALLY ORDERED** that, while the stay is in place, Petitioner's CJA
17 counsel, Sarah Stone, is authorized to represent Petitioner in a petition for writ of
18 certiorari and state post-conviction proceedings resulting therefrom.

19 **Dated** this 1st day of April, 2016.

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Honorable Diane J. Humetewa
United States District Judge