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

Bobby Jerry Tatum,  
Petitioner,  
v.  
Charles L Ryan, et al.,  
Respondents.

No. CV-15-00711-PHX-DJH (JFM)  
**ORDER**

Pending before the Court is Magistrate Judge Metcalf’s Report and Recommendation on Stay of Petition (“R&R”) (Doc. 59). Therein, Judge Metcalf recommends that consideration of Petitioner’s Amended Petition for Writ of Habeas Corpus be stayed until completion of Petitioner’s pending proceedings before the Arizona Supreme Court. (*Id.* at 10–11). Judge Metcalf advised the parties that they had fourteen days to file objections and that the failure to timely do so “will be considered a waiver of a party’s right to *de novo* consideration of the issues.” (*Id.* at 11) (citing *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Neither party has filed objections to the R&R. The Court has nonetheless reviewed the findings and recommendations made therein and finds no reason to disagree or modify its recommendations. The Court will, therefore, accept the R&R and stay this matter pending Petitioner’s state court proceedings. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).

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Accordingly,

**IT IS ORDERED** that Magistrate Judge Metcalf’s Report and Recommendation (Doc. 59) is **ACCEPTED** and **ADOPTED** as the Order of this Court.

**IT IS FURTHER ORDERED** that consideration of Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 11) is **STAYED** until completion of Petitioner’s pending proceedings before the Arizona Supreme Court.

**IT IS FINALLY ORDERED** that Petitioner shall be required to file a Notice of Status of his state court proceedings within 30 days of this Order, every three (3) months thereafter, and within 30 days of any final ruling by the Arizona Supreme Court in such proceeding.

Dated this 19th day of October, 2022.

  
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Honorable Diane J. Humetewa  
United States District Judge