Abdulle v. Donahue Doc. 12

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jabir Dahir Abdulle,

Petitioner,

v.

Michael Donahue,

Respondent.

No. CV-15-01491-PHX-GMS

ORDER

Pending before the Court is the Petition for Writ of Habeas Corpus of Petitioner Jabir Dahir Abdulle, filed pursuant to 28 U.S.C. § 2241 and Magistrate Judge Deborah Fine's Report and Recommendation ("R&R) (Docs. 1, 10). The R&R recommends that the Court dismiss the Petition as being moot. Doc. 10 at 3. 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.* at 3 (citing Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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

Dockets.Justia.com

objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and dismiss the Petition as being moot. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.").

IT IS ORDERED:

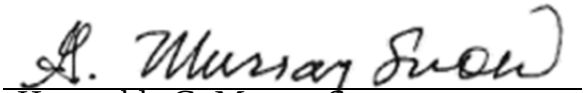
1. Magistrate Judge Fine's R&R (Doc. 10) is **accepted**.

2. Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed as being moot**.

3. The Clerk of Court shall **terminate** this action and enter judgment accordingly.

4. Because this case arises under 28 U.S.C. § 2241, no ruling on a certificate of appealability is required.

Dated this 7th day of January, 2016.



Honorable G. Murray Snow
United States District Judge