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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Juan Ulises Martinez,  
Petitioner,  
v.  
Charles L. Ryan, et al.,  
Respondents.

No. CV-15-01636-PHX-NVW (BSB)

**ORDER**

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Bridget S. Bade (Doc. 11) issued January 6, 2016, regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1). The R&R recommends that the Petition be denied as untimely. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 11 (citing 28 U.S.C. § 636(b)(1); Rules 6, 72, Federal Rules of Civil Procedure). No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *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.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A

1 party may serve and file objections to the order within 14 days after being served with a  
2 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not  
3 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.  
4 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

5 Notwithstanding the absence of an objection, the court has reviewed the R&R and  
6 finds that it is well taken. The court will accept the R&R and deny the Petition. *See* 28  
7 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole  
8 or in part, the findings or recommendations made by the magistrate”).

9 IT IS THEREFORE ORDERED that Report and Recommendation of the  
10 Magistrate Judge (Doc. 11) is accepted.

11 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying  
12 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc.  
13 1) with prejudice. The Clerk shall terminate this action.

14 Having considered the issuance of a Certificate of Appealability from the order  
15 denying Petitioner’s Petition and Amended Petition for a Writ of Habeas Corpus, the  
16 Court FINDS: Certificate of Appealability and leave to proceed in forma pauperis on  
17 appeal are **denied** because dismissal of the petition is justified by a plain procedural bar  
18 and jurists of reason would not find the procedural ruling debatable.

19 Dated this 4th day of February, 2016.

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23 Neil V. Wake  
United States District Judge