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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Martin Recio,) No. CV-15-01689-PHX-SPL
9)
10 Petitioner,) **ORDER**
11 vs.)
12 Unknown Party, et al.,)
13 Respondents.)
14 _____)

15 Petitioner Martin Recio has filed a Second Amended Petition for Writ of Habeas
16 Corpus pursuant to 28 U.S.C. § 2254 (Doc. 11). The Honorable John Z. Boyle, United
17 States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Doc. 25),
18 recommending that the Court deny the Petition. Judge Boyle advised the parties that they
19 had fourteen (14) days to file objections to the R&R and that failure to file timely
20 objections could be considered a waiver of the right to obtain review of the R&R. (Id.);
21 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d
22 1114, 1121 (9th Cir. 2003).

23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must
27 determine de novo any part of the magistrate judge’s disposition that has been properly
28 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject, or modify the recommended disposition; receive further
5 evidence; or return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**


7 1. That Magistrate Judge John Z. Boyle’s Report and Recommendation (Doc.
8 25) is **accepted** and **adopted** by the Court;

9 2. That the Second Amended Petition for Writ of Habeas Corpus pursuant to
10 28 U.S.C. § 2254 (Doc. 11) is **denied** and this action is **dismissed with prejudice**;

11 3. That a certificate of appealability and leave to proceed *in forma pauperis* on
12 appeal are **denied**; and

13 4. That the Clerk of Court shall **terminate** this action.

14 Dated this 8th day of November, 2016.

15 
16 Honorable Steven P. Logan
17 United States District Judge
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