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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Angel James Moreno,

No. CV-15-01698-PHX-DLR

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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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Before the Court is Petitioner Angel James Moreno's Amended Petition for Writ of Habeas Corpus and United States Magistrate Judge Michelle H. Burns' Report and Recommendation (R&R). (Docs. 9, 18.) The R&R recommends that the Court deny the Petition. (Doc. 18 at 14.) 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 14-15 (citing Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).)

Petitioner 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 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept 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.”).

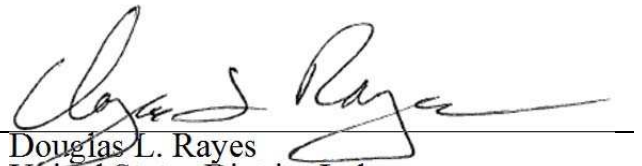
6 **IT IS ORDERED** that Magistrate Judge Burns’ R&R, (Doc. 18), is **ACCEPTED**.
7 Petitioner’s Amended Petition for Writ of Habeas Corpus, (Doc. 9), is **DENIED** and
8 **DISMISSED WITH PREJUDICE**.

9 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
10 proceed *in forma pauperis* on appeal are **DENIED** because the dismissal of the Petition is
11 justified by a plain procedural bar and reasonable jurists would not find the ruling
12 debatable, and because Petitioner has not made a substantial showing of the denial of a
13 constitutional right.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall terminate this
15 case.

16 Dated this 27th day of December, 2016.

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Douglas L. Rayes
United States District Judge