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

Phillip Mitchell,
Petitioner,
v.
State of Arizona, et al.,
Respondents.

No. CV-15-02229-PHX-JAT

ORDER

Pending before the Court is Petitioner’s First Amended Petition for Writ of Habeas Corpus (“Petition”) and Petitioner’s Motion to Stay/Motion to Amend. (See Doc. 29 at 1). On January 24, 2017, the Magistrate Judge to whom this case was assigned issued a Report and Recommendation (Doc. 29) recommending that the Motion to Stay/Motion to Amend be denied and that the Petition be dismissed with prejudice.

Neither party has filed objections to the Report and Recommendation. Accordingly, the Court hereby accepts the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)); see also *Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

Based on the foregoing,

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IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 29) is **ACCEPTED** as follows:

- Petitioner’s Motion to Stay/Motion to Amend (Doc. 20) is denied,
- Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 5) is dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied (*see* Doc. 29 at 41-42), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

Dated this 21st day of February, 2017.

