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

Maurice Lamont Johnson,

Petitioner,

v.

Charles L. Ryan, et al.,

Respondents.

No. CV-16-00560-PHX-GMS

ORDER

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Eileen S. Willett’s Report and Recommendation (“R&R”). Docs. 1, 18. The R&R recommends that the Court dismiss the Petition with prejudice. Doc. 18 at 13. 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 13-14 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

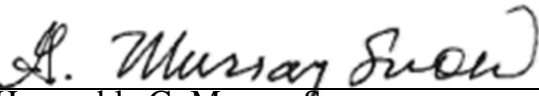
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 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 dismiss the Petition with prejudice. *See* 28
2 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole
3 or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P.
4 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition;
5 receive further evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS HEREBY ORDERED:**

- 7 1. Magistrate Judge Willett’s R&R (Doc. 18) is **accepted**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed with**
9 **prejudice**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
12 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 17th day of February, 2017.

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18 Honorable G. Murray Snow
19 United States District Judge
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