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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Abdou-Rachidou Tchassama,

No. CV-16-01205-PHX-GMS

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Petitioner,

ORDER

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v.

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Jon Gurule,

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Respondent.

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Pending before the Court is Petitioner's Writ of Habeas Corpus and United States Magistrate Judge Eileen S. Willett's Report and Recommendation ("R&R"). Docs. 1, 15. The R&R recommends that the Court dismiss without prejudice. Doc. 15 at 2. 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 2-3 (citing Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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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-taken. The Court will accept the R&R and dismiss the Petition without prejudice. *See* 28

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

5 **IT IS HEREBY ORDERED:**

- 6 1. Magistrate Judge Willett’s R&R (Doc. 15) is **accepted**.
- 7 2. The Petition (Doc. 1) is dismissed without prejudice.
- 8 3. Because this case arises under 28 U.S.C. § 2241, no ruling on a certificate
9 of appealability is required.

10 Dated this 17th day of February, 2017.

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Honorable G. Murray Snow
14 United States District Judge