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

Gregory Elzy,
Petitioner,
v.
Charles L Ryan, et al.,
Respondents.

No. CV-16-01490-PHX-GMS

ORDER

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge John Z. Boyle’s Report and Recommendation (“R&R”) (Docs. 1, 25). The R&R recommends that the Court deny and dismiss the Petition with prejudice. Doc. 25 at 5-6. The Magistrate Judge advised the parties that they had ten 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 6 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *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 deny and dismiss the Petition with prejudice.
2 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in
3 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
4 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended
5 disposition; receive further evidence; or return the matter to the magistrate judge with
6 instructions.”).

7 **IT IS ORDERED:**

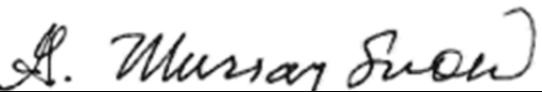
8 1. Magistrate Judge Boyle’s R&R (Doc.25) is **ACCEPTED**.

9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc.1) is **DENIED** and
10 **DISMISSED WITH PREJUDICE**.

11 3. The Clerk of Court shall **TERMINATE** this action and enter judgment
12 accordingly.

13 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the
14 event Petitioner files an appeal, the Court declines to issue a certificate of appealability
15 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
16 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).
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18 Dated this 30th day of March, 2017.

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Honorable G. Murray Snow
22 United States District Judge
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