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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Roy Gene Sherman, Jr.,

10 Petitioner,

11 v.

12 Barbara Broderick, et al.,

13 Respondents.
14

No. CV-16-01794-PHX-JAT

ORDER

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus
16 ("Petition") (Doc. 1). The Magistrate Judge to whom this case was assigned issued a
17 Report and Recommendation ("R&R") (Doc. 21) recommending that the Petition be
18 denied because it is barred by the statute of limitations.

19 Neither party has filed objections to the R&R. Accordingly, the Court hereby
20 accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district
21 courts are not required to conduct "any review at all . . . of any issue that is not the
22 subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114,
23 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review
24 the magistrate judge's findings and recommendations de novo if objection is made, but
25 not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d
26 1219, 1226 (D. Ariz. 2003).

27 Based on the foregoing,

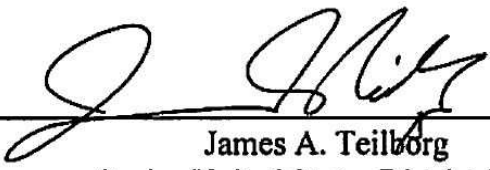
28 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.

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21) is **ACCEPTED**; accordingly,

- Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied because denial of the Petition is based on a plain procedural bar and jurists of reason would not find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

Dated this 12th day of June, 2017.



James A. Teilborg
Senior United States District Judge