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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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9 Raymond Andrew Bianco,

No. CV-16-04298-PHX-DJH

10 Petitioner,

ORDER

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.

14

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus
16 pursuant to 28 U.S.C. § 2254 (Doc.1) to which Respondents filed an Answer (Doc. 19)
17 and the Petitioner replied (Doc. 20). Following a thorough and comprehensive analysis,
18 Magistrate Judge Willett recommended denial of and dismissal with prejudice of the
19 Petition. (Doc. 21).

20 Judge Willett advised Petitioner that he had fourteen days to file objections and
21 that the failure to file timely objections "may result in the acceptance of the Report and
22 Recommendation by the district court without further review." (Doc. 21 at 13) (citing
23 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Petitioner
24 has not filed an objection and the time to do so has expired. Respondents have also not
25 filed an objection. Absent any objections, the Court is not required to review the findings
26 and recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The
27 relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), "does not on
28 its face require any review at all . . . of any issue that is not the subject of an objection.");

1 *Reyna-Tapia*, 328 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3) (“The district judge must
2 determine de novo any part of the magistrate judge’s disposition that has been properly
3 objected to.”).

4 Nonetheless, the Court has reviewed Judge Willett’ comprehensive and well-
5 reasoned R&R and agrees with its findings and recommendations. The Court will,
6 therefore, accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)(C) (“A judge
7 of the court may accept, reject, or modify, in whole or in part, the findings or
8 recommendations made by the magistrate judge.”); Fed.R.Civ.P. 72(b)(3) (same).

9 Accordingly, **IT IS ORDERED** that Magistrate Judge Willett's Report and
10 Recommendation (Doc. 21) is **ACCEPTED** and **ADOPTED** as the Order of this Court.

11 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus
12 pursuant to 28 U.S.C. § 2254 (Doc. 1) is **DENIED** and **DISMISSED WITH**
13 **PREJUDICE**.

14 **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing
15 Section 2254 Cases, a Certificate of Appealability and leave to proceed in forma pauperis
16 on appeal are **DENIED** because dismissal of the Petitioner is justified by a plain
17 procedural bar and reasonable jurists would not find the ruling debatable.

18 **IT IS FINALLY ORDERED** that the Clerk of the Court shall terminate this
19 action and enter judgment accordingly.

20 **Dated** this 22nd day of January, 2018.

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Honorable Diane J. Humetewa
United States District Judge