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

Roberto Ramirez Garcia,
Petitioner,
v.
Charles L Ryan, et al.,
Respondents.

No. CV-16-04517-PHX-DLR
ORDER

Before the Court are Petitioner Roberto Ramirez Garcia's Petition for Writ of Habeas Corpus and United States Magistrate Judge David K. Duncan's Report and Recommendation ("R&R"). (Docs. 1, 17.) The R&R recommends that the Court deny the Petition. 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. *See* Fed. R. Civ. P. 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Petitioner 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); Fed. R. Civ. P. 72(b)(3). The Court nonetheless has reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

IT IS ORDERED that Magistrate Judge Duncan's R&R (Doc. 17) is **ACCEPTED**. Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED** and

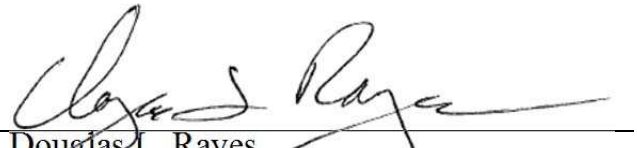
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DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that a Certificate of Appealability and leave to proceed in forma pauperis on appeal are **DENIED** because dismissal of the Petition is justified by a plain procedural bar and jurists of reason would not find the ruling debatable.

IT IS FURTHER ORDERED that the Clerk of the Court shall terminate this case.

Dated this 20th day of December, 2017.



Douglas L. Rayes
United States District Judge