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

Richard Louis Gray,  
Petitioner,  
v.  
Charles Ryan, et al.,  
Respondents.

No. CV-17-00963-PHX-GMS (ESW)  
**ORDER**

Pending before the Court is Petitioner’s Motion for Release from Custody, (Doc. 14), Motion for Sanctions (Doc. 21), and United States Magistrate Judge Eileen S. Willett’s Report and Recommendation (“R&R”), (Doc. 22). The R&R recommends that the Court deny both Motions, (Doc. 22 at 5). 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 22 (citing Fed. R. Civ. P. 72 (b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007)).

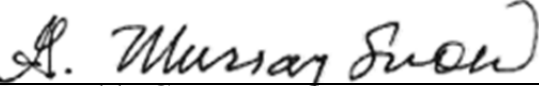
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 the Petitioner's Motions. *See* 28 U.S.C.  
2 § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in  
3 part, the findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3)  
4 ("The district judge may accept, reject, or modify the recommended disposition; receive  
5 further evidence; or return the matter to the magistrate judge with instructions.").

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Willett's R&R (Doc. 22) is **accepted**.
- 8 2. The Petitioner's Motion for Release from Custody (Doc. 14) is denied.
- 9 3. The Petitioner's Motion for Sanctions (Doc. 21) is denied.
- 10 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the  
11 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
12 because reasonable jurists would not find the Court's procedural ruling debatable. *See*  
13 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

14 Dated this 15th day of September, 2017.

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17 Honorable G. Murray Snow  
18 United States District Judge  
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