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2 NOT FOR PUBLICATION

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

8
9 Alan L Mendez-Galdamez,

10 Petitioner,

11 v.

12 Jon Gurule,

13 Respondent.

No. CV-17-03801-PHX-DJH

ORDER

14
15 This matter is before the Court on Alan L. Mendez-Galdamez's ("Petitioner")
16 Petition for Writ of Habeas Corpus (the "Petition") pursuant to 28 U.S.C. § 2241 (Doc. 1)
17 filed October 16, 2017, and the Report and Recommendation ("R&R") (Doc. 11) issued by
18 United States Magistrate Judge Deborah M. Fine on May 22, 2018. Petitioner's sole claim
19 for relief in his Petition was for a bond hearing. (Doc. 1 at 9). On March 26, 2018,
20 Respondent filed response to the Petition (Doc. 10) that informed the Court that Petitioner
21 had received a bond hearing on January 31, 2018, during which an immigration judge
22 granted Petitioner's request for a bond and had ordered his release from custody under a
23 bond of \$20,000.00. (Doc. 10-3 at 2). Petitioner did not file a reply in support of his
24 Petition. In light of the January 31, 2018 bond hearing, Judge Fine concluded that the
25 Petition was moot and recommended it be denied and dismissed accordingly.
26 (Doc. 11 at 3).

27 Judge Fine advised the parties that they had fourteen days to file objections and that
28 the failure to timely do so "may result in the District Court's acceptance of the Report and

1 Recommendation without further review. (Doc. 11 at 4) (citing *United States v. Reyna-*
2 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Petitioner has not filed an objection
3 and the time to do so has expired. Respondents have also not filed an objection. Absent
4 any objections, the Court is not required to review the findings and recommendations in
5 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (noting that the relevant provision
6 of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1), “does not on its face require any
7 review at all . . . of any issue that is not the subject of an objection.”); *Reyna-Tapia*, 328
8 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3) (“The district judge must determine de novo
9 any part of the magistrate judge’s disposition that has been properly objected to.”).

10 Nonetheless, the Court has reviewed Judge Fine’s well-reasoned R&R and agrees
11 with its findings and recommendations. The Court will, therefore, accept the R&R and
12 dismiss the Petition. *See* 28 U.S.C. § 636(b)(1) (“A judge of the court may accept, reject,
13 or modify, in whole or in part, the findings or recommendations made by the magistrate
14 judge.”); Fed.R.Civ.P. 72(b)(3) (same).

15 Accordingly,

16 **IT IS ORDERED** that Magistrate Judge Fine’s R&R (Doc. 11) is **accepted** and
17 **adopted** as the order of this Court.

18 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus pursuant
19 to 28 U.S.C. § 2241 (Doc. 1) is **denied and dismissed as moot**.

20 **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing
21 Section 2254 Cases, a Certificate of Appealability and leave to proceed *in forma pauperis*
22 on appeal are **denied** because dismissal of the Petition is justified by a plain procedural bar
23 and jurists of reason would not find the procedural ruling debatable.

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

26 Dated this 26th day of March, 2019.

27 
28 Honorable Diane J. Humetewa
United States District Judge