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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Edgar D Contreras,

No. CV-18-00077-PHX-DWL

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Petitioner,

ORDER

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v.

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Charles L Ryan, et al.,

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Respondents.

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Pending before the Court are Petitioner's petition for writ of habeas corpus under 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R") of the United States Magistrate Judge (Doc. 16). The R&R, which was issued on December 27, 2018, recommended that the petition be denied and dismissed with prejudice and further provided that "[t]he parties shall have fourteen days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. . . . Failure timely to file objections to the Magistrate Judge's Report and Recommendation may result in the acceptance of the Report and Recommendation by the district court without further review." (Doc. 16 at 12-13.)

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Here, no such objections have been filed. Thus, the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o

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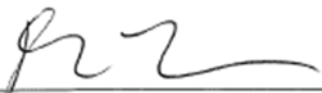
1 review is required of a magistrate judge’s report and recommendation unless objections are
2 filed.”). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1221 (9th Cir. 2003)
3 (“[T]he district judge must review the magistrate judge’s findings and recommendations
4 *de novo if objection is made*, but not otherwise.”).

5 Accordingly,

6 **IT IS ORDERED** that the R&R (Doc. 16) is accepted and adopted, that the Petition
7 (Doc. 1) is denied and dismissed with prejudice, and that the Clerk of Court shall enter
8 judgment accordingly.

9 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to
10 proceed in forma pauperis on appeal be **DENIED** because Petitioner has not made a
11 substantial showing of the denial of a constitutional right and jurists of reason would not
12 find the Court’s assessment of Petitioner’s constitutional claims debatable or wrong.

13 Dated this 1st day of February, 2019.

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18 Dominic W. Lanza
19 United States District Judge
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