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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Charles Jones,

10 Petitioner,

11 v.

12 David Shinn, et al.,

13 Respondents.
14

No. CV-20-01220-PHX-DLR

ORDER

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16 Before the Court is United States Magistrate Judge Michael T. Morrissey’s Report
17 and Recommendation (“R&R”) (Doc. 11), which recommends that Petitioners’ petition for
18 writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 5) be denied and dismissed with
19 prejudice and that a Certificate of Appealability and leave to proceed *in forma pauperis* on
20 appeal be denied. The Magistrate Judge advised the parties that they had fourteen days to
21 file objections to the R&R and that failure to file timely objections could be considered a
22 waiver of the right to obtain review of the R&R. *See United States v. Reyna-Tapia*, 328
23 F.3d 1114, 1121 (9th Cir. 2003). Neither party filed objections, which relieves the Court
24 of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*,
25 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . .
26 of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district
27 judge must determine de novo any part of the magistrate judge’s disposition that has been
28 properly objected to.”). “Unless this court has definite and firm conviction that the

1 [Magistrate Judge] committed a clear error of judgment, [this court] will not disturb [the]
2 decision.” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir. 1990) (citation
3 omitted).

4 The Court has nonetheless independently reviewed the R&R and finds that it is well-
5 taken. The Court therefore will accept the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1)
6 (stating that the district court “may accept, reject, or modify, in whole or in part, the
7 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
8 district judge may accept, reject, or modify the recommended disposition; receive further
9 evidence; or return the matter to the magistrate judge with instructions.”).

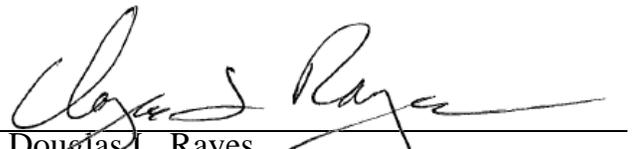
10 **IT IS ORDERED** that Magistrate Judge Morrissey’s R&R (Doc. 11) is
11 **ACCEPTED.**

12 **IT IS FURTHER ORDERED** that Petitioners’ petition for writ of habeas corpus
13 pursuant to 28 U.S.C. § 2254 (Doc. 5) is **DENIED and DISMISSED WITH**
14 **PREJUDICE.**

15 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
16 proceed *in forma pauperis* on appeal is denied.

17 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to enter judgment
18 and terminate the case.

19 Dated this 27th day of April, 2021.

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24 Douglas L. Rayes
25 United States District Judge
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