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

Mace Allen Malaby,  
Petitioner,  
  
v.  
David Shinn,  
Respondent.

No. CV-21-00403-PHX-DWL  
**ORDER**

Pending before the Court are Petitioner’s Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 8) and the Report and Recommendation (“R&R”) of the United States Magistrate Judge (Doc. 16). The R&R, which was issued on October 26, 2021, recommends that the amended petition be denied and further provides that “[t]he parties shall have fourteen (14) days from the date of service of a copy of this recommendation within which to file specific written objections with the Court.” (Doc. 16 at 8.)

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 review is required of a magistrate judge’s report and recommendation unless objections are filed.”). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)

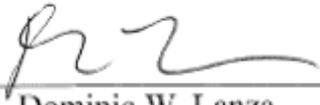
1 (“[T]he district judge must review the magistrate judge’s findings and recommendations  
2 de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 16) is accepted,  
5 that the Amended Petition (Doc. 8) is denied, and that the Clerk of Court shall enter  
6 judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to  
8 proceed in forma pauperis on appeal be **DENIED** because petitioner has not made a  
9 substantial showing of the denial of a constitutional right.

10 Dated this 19th day of November, 2021.

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15 Dominic W. Lanza  
16 United States District Judge  
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