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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Michael Watts,

10 Petitioner,

11 v.

12 J. Gunther,

13 Respondent.  
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No. CV-24-03135-PHX-JAT

**ORDER**

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus filed  
16 pursuant to 28 U.S.C. § 2241. The Magistrate Judge to whom this case was referred issued  
17 a Report and Recommendation ("R&R") recommending the Petition be dismissed. (Doc.  
18 11). The time for filing objections has run, and neither party filed objections.<sup>1</sup>

19 This Court "may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that  
21 the district judge must review the magistrate judge's findings and recommendations *de*  
22 *novo if objection is made*, but not otherwise." *United States v. Reyna-Tapia*, 328 F.3d  
23 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*) (emphasis in original); *Schmidt v. Johnstone*, 263  
24 F.Supp.2d 1219, 1226 (D. Ariz. 2003) ("Following *Reyna-Tapia*, this Court concludes that  
25 *de novo* review of factual and legal issues is required if objections are made, 'but not  
26 otherwise.'"); *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d  
27 1027, 1032 (9<sup>th</sup> Cir. 2009) (the district court "must review *de novo* the portions of the  
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<sup>1</sup> Petitioner's copy of the R&R was returned by the post office as undeliverable. (Doc. 12).

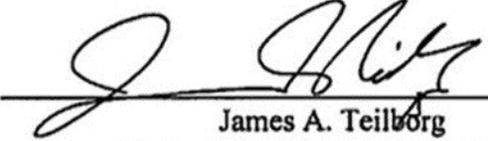
1 [Magistrate Judge’s] recommendations to which the parties object.”). District courts are  
2 not required to conduct “any review at all . . . of any issue that is not the subject of an  
3 objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (emphasis added); *see also* 28 U.S.C.  
4 § 636(b)(1) (“the court shall make a *de novo* determination of those portions of the [report  
5 and recommendation] to which objection is made.”).

6 No objections having been filed,

7 **IT IS ORDERED** that the Report and Recommendation (Doc. 11) is accepted; the  
8 Petition is dismissed, without prejudice, and the Clerk of the Court shall enter judgment  
9 accordingly.<sup>2</sup>

10 Dated this 10th day of March, 2025.

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James A. Teilborg  
Senior United States District Judge

<sup>2</sup> Because the Petition was filed pursuant to § 2241, no certificate of appealability is necessary. *See Forde v. U.S. Parole Comm’n*, 114 F.3d 878, 879 (9th Cir. 1997).