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NOT FOR PUBLICATION

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

Edward Faye Parks,
Petitioner,

v.

Charles L. Ryan,
Respondent.

No. CV-07-8133-PCT-GMS (DKD)

ORDER

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge Duncan’s Report and Recommendation (“R&R”). Dkt. ## 1, 41. The R&R recommends that the Court deny the Petition. Dkt. # 41 at 6. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 7 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-taken. The Court will

1 accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district
2 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
3 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
4 or modify the recommended disposition; receive further evidence; or return the matter to the
5 magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Duncan’s R&R (Dkt. # 41) is **ACCEPTED**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DENIED**.
- 9 3. The Clerk of Court shall **TERMINATE** this action.

10 DATED this 24th day of March, 2010.

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14 G. Murray Snow
15 United States District Judge
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