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

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Yolanda Sanchez-Espinoza,

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No. CV-08-8124-PCT-GMS (JRI)

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Petitioner,

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ORDER

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v.

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Dora B. Schriro, et al.,

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Respondents.

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Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and

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United States Magistrate Judge Jay R. Irwin’s Report and Recommendation (“R&R”). (Doc.

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1, 17). The R&R recommends that the Court deny the Petition. The Magistrate Judge

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advised the parties that they had fourteen days to file objections to the R&R and that failure

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to file timely objections could be considered a waiver of the right to obtain review of the

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R&R. *Id.* at 11 (citing Fed. R. Civ. P. 72(b); Rule 8(b), Rules Governing Section 2254

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Proceedings; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*)).

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The parties did not file objections, which relieves the Court of its obligation to review

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the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985)

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(“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the

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subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine *de*

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novo any part of the magistrate judge’s disposition that has been properly objected to.”). The

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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 Irwin’s R&R (Doc. 17) is **ACCEPTED**.
8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**.
9 3. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the event
10 Petitioner files an appeal, the Court declines to issue a certificate of appealability because
11 reasonable jurists would not find the Court’s procedural ruling debatable. *See Slack v.*
12 *McDaniel*, 529 U.S. 473, 484 (2000).

13 3. The Clerk of the Court shall **TERMINATE** this action.

14 DATED this 4th day of August, 2010.

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17 G. Murray Snow
18 United States District Judge
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