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6   IN THE UNITED STATES DISTRICT COURT

7   FOR THE DISTRICT OF ARIZONA

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9   Richard Allen Siegel,   )   No. CV 08-8128-PCT-JAT
)
10   Petitioner,   )   **ORDER**
)
11   vs.   )
)
12   )
     Yavapai County Superior Court, et al.,   )
13   )
                       Respondents.   )
14   )
     _____)

15

16   Pending before the Court is Petitioner's Amended Petition for Writ of Habeas Corpus

17   ("Petition") (Doc. #5). The Magistrate Judge issued a Report and Recommendation ("R&R")

18   (Doc. #31) recommending that the Petition be denied.

19   Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts

20   the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not

21   required to conduct "any review at all . . . *of any issue* that is not the subject of an objection"

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

23   banc*) ("statute makes it clear that the district judge must review the magistrate judge's

24   findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis

25   in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).
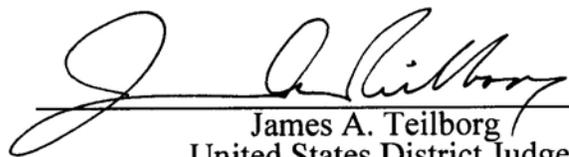
26   Based on the foregoing,

27   **IT IS THEREFORE ORDERED** that the Magistrate Judge's Report and

28   Recommendation (Doc. #31) is **ACCEPTED**; accordingly,

1 • Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. #5) is denied

2 and dismissed with prejudice,

3 • in the event Petitioner files an appeal, issuance of a certificate of appealability

4 is denied because denial of the petition is based on a plain procedural bar and

5 jurists of reason would not find this Court's procedural ruling debatable. *See*

6 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and

7 • the Clerk of the Court shall enter judgment of dismissal with prejudice.

8 DATED this 9th day of June, 2010.

_____
James A. Teilborg
United States District Judge