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

Aric Balistreri,)	No. CV09-8058 PCT-DGC (LOA)
)	
Petitioner,)	ORDER
)	
v.)	
)	
Charles L. Ryan, et al.,)	
)	
Respondent.)	
)	

Pending before the Court are Petitioner Aric Balistreri’s petition for writ of habeas corpus and United States Magistrate Judge Lawrence O. Anderson’s Report and Recommendation (“R&R”). Dkt. ##1, 15. The R&R recommends that the Court deny the petition because Petitioner has not presented any claim which entitles him to relief. Dkt. #15 at 28. The Magistrate Judge advised the parties that they had ten 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 29 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

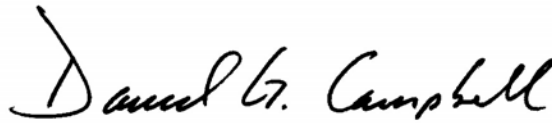
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that

1 the district court “may accept, reject, or modify, in whole or in part, the findings or
2 recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may
3 accept, reject, or modify the recommended disposition; receive further evidence; or return
4 the matter to the magistrate judge with instructions.”).

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Lawrence O. Anderson’s R&R (Dkt. #15) is **accepted**.
7 2. Petitioner Aric Balistreri’s petition for writ of habeas corpus (Dkt. #1) is
8 **denied**.
9 3. The Clerk of Court shall **terminate** this action.

10 DATED this 3rd day of December, 2009.

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14 _____
15 David G. Campbell
16 United States District Judge
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