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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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William Westley Duncan,

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No. CV 11-8067-PCT-JAT

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Plaintiff,

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ORDER

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vs.

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Charles L. Ryan; et al.,

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Defendants.

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On February 11, 2013, Magistrate Judge Metcalf issued a Report and Recommendation in which he recommended that this Court grant Petitioner’s motion for stay and abeyance pending exhaustion of certain claims in state court. The time to file objections has run and no objections have been filed. Accordingly, the Court will accept the Report and Recommendations. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo *if objection is made*, but not otherwise” (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

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Therefore,

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IT IS ORDERED that the Report and Recommendation (Doc. 47) is accepted; the Motion for Stay and Abeyance (Doc. 32) is granted as specified below:

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(1) Petitioner and Respondents shall, within fourteen days of the conclusion of the state court proceedings, file with this Court a notice advising the Court of the status

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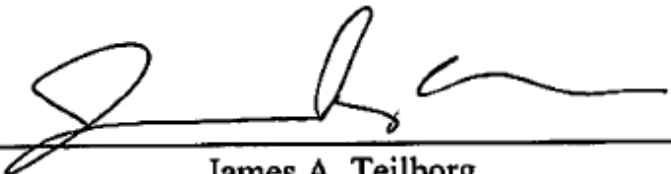
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of the state court proceedings;

(2) Petitioner shall, on or before March 31, 2013, and before the expiration of each calendar quarter thereafter, until termination of the stay, file with this Court a notice advising the Court of the status of his state court proceedings.

(3) Petitioner's failure to timely file such notices will be grounds for dismissal of this action without further notice.

DATED this 7th day of March, 2013.



James A. Teilborg
Senior United States District Judge