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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Robin Lynn Robbins,  
Petitioner,  
v.  
Charles L. Ryan, et al.,  
Respondents.

No. CV-12-08056-PCT-GMS

**ORDER**

Pending before the Court are Petitioner’s Petition for Writ of Habeas Corpus and United States Magistrate Judge James F. Metcalf’s Report and Recommendation (“R&R”). Docs. 1, 22. The R&R recommends that the Court dismiss with prejudice Ground Two (Insufficiency of the Evidence) and denying the remainder of the Petition. Doc. 22 at 37. 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 37-38 (citing Fed. R. Civ. P. 8(b), 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 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and dismiss with prejudice Ground Two

1 (Insufficiency of Evidence) and deny the remainder of the Petition. *See* 28 U.S.C.  
2 § 36(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in  
3 part, the findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3)  
4 (“The district judge may accept, reject, or modify the recommended disposition; receive  
5 further evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Metcalf’s R&R (Doc. 22) is **accepted**.
- 8 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed with**  
9 **prejudice as to Ground Two (Insufficiency of Evidence) and denied as to the**  
10 **remainder of the Petition.**
- 11 3. The Clerk of Court shall **terminate** this action.
- 12 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the  
13 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
14 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
15 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

16 Dated this 5th day of March, 2013.

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19 G. Murray Snow  
20 United States District Judge  
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