

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

Donald Robert Fike,

No. CV 12-8185-PCT-JAT

10

Petitioner,

ORDER

11

vs.

12

Charles L. Ryan, et al.,

13

Respondent.

14

15

16

Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus (“Petition”) (Doc. 1). The Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. 12) recommending that the Petition be denied.

17

18

19

Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *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).

20

21

22

23

24

25

26

Based on the foregoing,

27

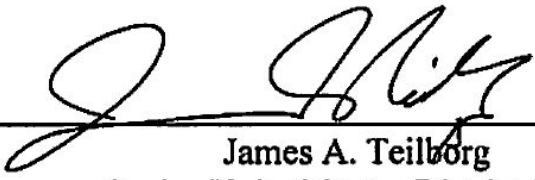
IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 12) is **ACCEPTED**; accordingly,

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1) is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied because denial of the petition is based on a plain procedural bar and jurists of reason would not find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 16th day of August, 2013.



James A. Teilborg
Senior United States District Judge