

1 WO  
2  
3  
4  
5

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Carlton Errol Godwin,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.  
14

No. CV-13-08078-PCT-JAT

**ORDER**

15 Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus, as  
16 amended ("Petition"). The Magistrate Judge issued a Report and Recommendation  
17 ("R&R") (Doc. 41) recommending that the Petition be denied because it is barred by the  
18 statute of limitations.

19 Respondents did not file objections to the R&R. This Court granted Petitioner an  
20 extension of time to file objections (Doc. 44), but Petitioner did not file objections.  
21 Because neither party has filed objections to the R&R, the Court hereby accepts the  
22 R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not  
23 required to conduct "any review at all . . . of any issue that is not the subject of an  
24 objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th  
25 Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the  
26 magistrate judge's findings and recommendations de novo if objection is made, but not  
27 otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219,  
28 1226 (D. Ariz. 2003).

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

Based on the foregoing,

**IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. 41) is **ACCEPTED**; accordingly,

- Petitioner’s Petition for Writ of Habeas Corpus, as amended, 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 15th day of July, 2015.

  
\_\_\_\_\_  
James A. Teilborg  
Senior United States District Judge