

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

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

Robert Richard Spurling, III,
Petitioner,
v.
Charles L Ryan, et al.,
Respondents.

No. CV-15-08132-PCT-DLR
ORDER

Pending before the Court are Petitioner Robert Spurling’s Sealed Petition for Writ of Habeas Corpus and Magistrate Judge John Boyle’s Report and Recommendation (“R&R”). (Docs. 1, 20). The R&R recommends that the Court deny the Petition. (Doc. 20 at 18). 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 19 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003))).

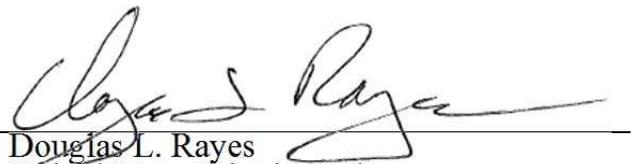
Neither party filed objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. 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 agrees with Magistrate Judge Boyle’s

1 recommendations. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C.
2 § 636(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** that Magistrate Judge Boyle’s R&R (Doc. 20) is **ACCEPTED**,
7 Petitioner’s Sealed Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED**, a
8 Certificate of Appealability is **DENIED**, and Petitioner may not proceed in forma
9 pauperis on appeal. The Clerk shall terminate this action.

10 Dated this 13th day of June, 2016.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Douglas L. Rayes
United States District Judge