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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Curtis Ray Smith, Jr.,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.
14

No. CV-18-08058-PCT-JAT

ORDER

15 Pending before the Court is the Report and Recommendation (R&R) from the
16 Magistrate Judge (Doc. 21) recommending that the Petition in this case be denied and
17 dismissed with prejudice. No objections to the R&R have been filed and the time to object
18 has expired. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474
19 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review
20 at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United*
21 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it
22 clear that the district judge must review the magistrate judge’s findings and
23 recommendations de novo if objection is made, but not otherwise” (emphasis in original));
24 *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

25 Based on the foregoing,

26 **IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc.
27 21) is **ACCEPTED**; thus,

- 28 • Petitioner’s Petition for Writ of Habeas Corpus is denied and dismissed with

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prejudice,

- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied (*see* Doc. 21 at 25-26), and
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

Dated this 28th day of May, 2019.

