

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

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Jose Rodriguez,)	
)	
Petitioner,)	CV 09-192 TUC DCB
)	
v.)	ORDER
)	
Warden David Duncan,)	
)	
Respondent.)	

The Court adopts the recommendation of the Magistrate Judge, and for the reasons stated in the Report and Recommendation, the Court denies the Petition for Writ of Habeas Corpus.

On June 29, 2009, the Honorable Glenda E. Edmonds, United States Magistrate Judge, filed a Report and Recommendation ("Recommendation") in this action. The Recommendation advised the Court to deny the Petitioner's Petition for Relief under 28 U.S.C. § 2241 because he was given individualized consideration of his request for placement at a Residential Re-entry Center. Addressing a request for transfer at the next scheduled Program Review does not violate 18 U.S.C. § 3621(b).

The parties were sent copies of the Recommendation and instructed that, pursuant to 28 U.S.C. § 636(b), they had 10 days to file written objections to the Recommendation. *See also*, Federal Rule of Civil Procedure 72(b) (party objecting to the recommended disposition has ten (10) days to file specific, written objections). To date, no such objections have been filed.

Pursuant to 28 U.S.C. § 636(b), this Court makes a *de novo* determination as to those portions of the Report and Recommendation to which there are objections. 28 U.S.C. § 636(b)(1)(C) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.") To the extent that no objection has been made, arguments to the contrary have been waived.

1 *McCall v. Andrus*, 628 F.2d 1185, 1187 (9th Cir. 1980) (failure to object to Magistrate's report
2 waives right to do so on appeal); *see also*, Advisory Committee Notes to Fed. R. Civ. P. 72
3 (citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974) (when no timely
4 objection is filed, the court need only satisfy itself that there is no clear error on the face of the
5 record in order to accept the recommendation).

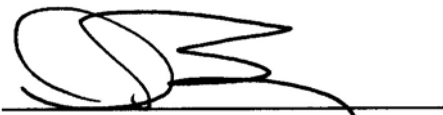
6 The Court considers the Recommendation to be thorough and well-reasoned; it is neither
7 clearly erroneous nor contrary to law. *United States v. Remsing*, 874 F.2d 614, 617-618 (9th
8 Cir. 1989). The Recommendation shall, therefore, be accepted pursuant to 28 U.S.C. §
9 636(b)(1). The Court adopts the recommendation of the Magistrate Judge. For the reasons
10 stated in the Report and Recommendation, the Court denies the Petition for Writ of Habeas
11 Corpus.

12 **Accordingly,**

13 **IT IS ORDERED** that the Report and Recommendation [Doc. # 7] is adopted as the
14 opinion of the Court.

15 **IT IS FURTHER ORDERED** that Petition for Writ of Habeas Corpus [Doc. # 1] is
16 DENIED; the Clerk of the Court shall enter judgment accordingly.

17 DATED this 29th day of July, 2009.

18
19
20
21
22 
23 David C. Bury
24 United States District Judge
25
26
27
28