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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

James Dirk Roberts,	)	No. CV 10-128-TUC-RCC
	)	
Petitioner,	)	<b>ORDER</b>
	)	
vs.	)	
	)	
Craig Apker,	)	
	)	
Respondent.	)	

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Pending before the Court is Petitioner James Dirk Roberts’ Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1), Respondent’s Motion to Dismiss (Doc. 26), Magistrate Judge Jacqueline Marshall’s Report and Recommendation (Doc. 28), and Petitioner’s Objections to the R&R (Doc. 29). After reviewing the record, the Court accepts the R&R and denies Petitioner’s Petition for Writ of Habeas Corpus, grants Respondent’s Motion to Dismiss, denies Petitioner’s pending motions (Docs. 20, 21, and 22), and overrules Petitioner’s objections to the R&R (Doc. 29).

The background in this case is thoroughly detailed in the “Background” section of Magistrate Judge Marshall’s R&R. This Court fully incorporates by reference the Background of the R&R into this Order.

A district court must review the legal analysis in a Magistrate Judge's Report and Recommendation *de novo*. See 28 U.S.C. § 636(b)(1)(C). In addition, a district court must

1 review the factual analysis in the Report and Recommendation *de novo* for those facts to  
2 which objections are filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th  
3 Cir.2003) (en banc); *see also* 28 U.S.C. § 636(b)(1)(C) (“A judge of the court shall make a  
4 *de novo* determination of those portions of the report or specified proposed findings or  
5 recommendations to which objection is made”). “Failure to object to a magistrate judge’s  
6 recommendation waives all objections to the judge’s findings of fact.” *Jones v. Wood*, 207  
7 F.3d 557, 562 n. 2 (9th Cir.2000).

8 Having reviewed *de novo* the Report and Recommendation of Judge Marshall in light  
9 of Petitioner’s Objection, the Court finds that the Magistrate Judge correctly determined that  
10 the Petitioner’s petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241 should  
11 be denied as moot and even if considered on the merits, do not warrant relief. Therefore,

12 **IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. 28)  
13 is accepted and adopted by the court.

14 **IT IS FURTHER ORDERED** that the Petitioner’s Petition for Writ of Habeas  
15 Corpus (Doc. 1) is **denied**, Respondent’s Motion to Dismiss (Doc. 26) is **granted**, and  
16 Petitioner’s pending motions (Docs. 20, 21, and 22) are **denied**.

17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall enter judgment  
18 accordingly and close this case.

19 DATED this 10th day of August, 2011.

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23 **Raner C. Collins**  
24 **United States District Judge**