

1 106 S.Ct. 466, 88 L.Ed.2d 435 (1985). Rather, this Court is not required to conduct “any
2 review at all . . . of any issue that is not the subject of an objection.” *Id.* at 149.

3 Indeed, the Ninth Circuit has recognized that a district court is not required to review
4 a magistrate judge's report and recommendation where no objections have been filed. *See*
5 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of
6 review employed by the district court when reviewing a report and recommendation to which
7 no objections were made); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.Ariz.
8 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district
9 courts are not required to review “any issue that is not the subject of an objection.”). In other
10 words, if there is no objection to a magistrate judge's recommendation, then this Court may
11 accept the recommendation without review. *See e.g., Johnstone*, 263 F.Supp.2d at 1226
12 (accepting, without review, a magistrate judge's recommendation to which no objection was
13 filed).

14 In this case, Bojorquez has not filed an objection to the magistrate judge's Report and
15 Recommendation. Although Bojorquez has not filed an objection, the Court has
16 independently reviewed the Report and Recommendation and adopts the recommended
17 findings and conclusions. The Court will accept the Report and Recommendation and
18 dismiss the Petition.

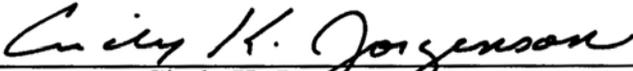
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20 *Certificate of Appealability (“COA”)*

21 Rule 11(a), Rules Governing Section 2254 Cases, requires that in habeas cases the
22 “district court must issue or deny a certificate of appealability when it enters a final order
23 adverse to the applicant.” Such certificates are required in cases concerning detention arising
24 “out of process issued by a State court”, or in a proceeding under 28 U.S.C. § 2255 attacking
25 a federal criminal judgment or sentence. 28 U.S.C. § 2253(c)(1). Here, the Petition is
26 brought pursuant to 28 U.S.C. § 2254, and challenges detention pursuant to a State court
27 judgment. This Court must determine, therefore, if a COA shall issue.

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4. A Certificate of Appealability shall not issue in this case.

DATED this 6th day of September, 2011.



Cindy K. Jorgenson
United States District Judge