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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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| Enrique Montijo, |) | No. 11-CV-592-TUC-RCC (LAB) |
| Petitioner, |) | ORDER |
| vs. |) | |
| Charles L. Ryan, et al., |) | |
| Respondents. |) | |

Pending before the Court is Petitioner Robert Taylor Harden’s Petition for Writ of Habeas Corpus (Doc. 1) and Magistrate Judge Leslie A. Bowman’s Report and Recommendation (R&R) (Doc. 19). The Court accepts and adopts Magistrate Judge Bowman’s R&R as the findings of fact and conclusions of law of this Court and denies Petitioner’s Petition for Writ of Habeas Corpus.

I. BACKGROUND

This Court fully incorporates by reference the “Summary of the Case” section of the R&R into this order.

On September 19, 2011, Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1). Respondents filed an Answer on February 2, 2012 (Doc. 12). Magistrate Judge Bowman filed a R&R recommending that Petitioner’s habeas petition be denied in full (Doc. 19). Petitioner did not file a response to the R&R within the allotted time.

1 **II. DISCUSSION**

2 The duties of the district court in connection with a R&R are set forth in Rule 72 of
3 the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). The district court may
4 “accept, reject, or modify the recommended disposition; receive further evidence; or return
5 the matter to the magistrate judge with instructions. FED.R.CIV.P. 72(b)(3); 28 U.S.C. §
6 636(b)(1).

7 Where the parties object to a R&R, “[a] judge of the [district] court shall make a *de*
8 *novo* determination of those portions of the [R&R] to which objection is made.” 28 U.S.C.
9 § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985).
10 When no objection is filed, the district court need not review the R&R *de novo*. *Wang v.*
11 *Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d
12 1114, 1121-22 (9th Cir.2003) (en banc). Therefore to the extent that no objection has been
13 made, arguments to the contrary have been waived. *McCall v. Andrus*, 628 F.2d 1185, 1187
14 (9th Cir.1980) (failure to object to Magistrate's report waives right to do so on appeal); *see*
15 *also*, Advisory Committee Notes to Fed.R.Civ.P. 72 (citing *Campbell v. United States Dist.*
16 *Court*, 501 F.2d 196, 206 (9th Cir.1974) (when no timely objection is filed, the court need
17 only satisfy itself that there is no clear error on the face of the record in order to accept the
18 recommendation).

19 The Court will not disturb a Magistrate Judge’s Order unless his factual findings are
20 clearly erroneous or his legal conclusions are contrary to law. 28 U.S.C. § 636(b)(1)(A).
21 “[T]he magistrate judge's decision ... is entitled to great deference by the district court.”
22 *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.2001). A failure to raise an
23 objection waives all objections to the magistrate judge’s findings of fact. *Turner v. Duncan*,
24 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is
25 a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”
26 *Id.* (internal citations omitted).

27 This Court considers the R&R to be thorough and well-reasoned. Petitioner had until
28 January 1, 2013 to file objections to the R&R. To date, Petitioner has filed no objections,

1 which relieves the Court of its obligation to review. *See United States v. Reyna-Tapia*, 328
2 F.3d 1114, 1121 (9th Cir.2003); *Thomas v. Arn*, 474 U.S. 140, 149, 106 S.Ct. 466, 88
3 L.Ed.2d 435 (1985) (“[Section 636(b)(1)] does not ... require any review at all ... of any issue
4 that is not the subject of an objection.”); Fed.R.Civ.P. 72(b)(3) (“The district judge must
5 determine de novo any part of the magistrate judge's disposition that has been properly
6 objected to.”). Despite Petitioner’s failure to file objections, the Court nevertheless conducted
7 its own review of the entire record and agrees with the conclusions of Magistrate Judge
8 Bowman.

9 Accordingly,

10 **IT IS HEREBY ORDERED** that Magistrate Judge Bowman’s Report and
11 Recommendation (Doc. 19) is hereby **ACCEPTED** and **ADOPTED** as the findings of fact
12 and conclusions of law by this Court;

13 **IT IS FURTHER ORDERED** Petitioner’s Petition for Writ of Habeas Corpus (Doc.
14 1) is **denied** without leave to amend, and this action is **dismissed with prejudice**, and the
15 Clerk shall enter judgment and close this case.

16 DATED this 9th day of January, 2013.

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20 **Raner C. Collins**
21 **United States District Judge**