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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jose Miguel Haro-Arce,)	No. CV 12-152-TUC-RCC (LAB)
Petitioner,)	ORDER
vs.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Pending before the Court is Petitioner Jose Haro-Arce’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 (Doc. 19) as the findings of fact and conclusions of law of this Court and denies Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1).

I. Background

This Court fully incorporates by reference the “Summary of the Case” section of the R&R into this order. In the R&R, Judge Bowman recommends that this Court deny Petitioner’s petition. Petitioner failed to file objections within the allotted time.

II. Discussion

The duties of the district court in connection with a R & R are set forth in Rule 72 of the Federal Rules of Civil Procedure and 28 U .S.C. § 636(b)(1). The district court may

1 “accept, reject, or modify the recommended disposition; receive further evidence; or return
2 the matter to the magistrate judge with instructions. FED.R.CIV.P. 72(b)(3); 28 U.S.C. §
3 636(b)(1).

4 Where the parties object to a R & R, “[a] judge of the [district] court shall make a *de*
5 *novo* determination of those portions of the [R & R] to which objection is made.” 28 U.S.C.
6 § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985).
7 When no objection is filed, the district court need not review the R & R *de novo*. *Wang v.*
8 *Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d
9 1114, 1121-22 (9th Cir.2003) (en banc). Therefore to the extent that no objection has been
10 made, arguments to the contrary have been waived. *McCall v. Andrus*, 628 F.2d 1185, 1187
11 (9th Cir.1980) (failure to object to Magistrate's report waives right to do so on appeal); *see*
12 *also*, Advisory Committee Notes to Fed.R.Civ.P. 72 (citing *Campbell v. United States Dist.*
13 *Court*, 501 F.2d 196, 206 (9th Cir.1974) (when no timely objection is filed, the court need
14 only satisfy itself that there is no clear error on the face of the record in order to accept the
15 recommendation).

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

24
25 Petitioner has filed no objections to the R&R, which relieves the Court of its
26 obligation to review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.2003);
27 *Thomas v. Arn*, 474 U.S. 140, 149, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985) (“[Section
28 636(b)(1)] does not ... require any review at all ... of any issue that is not the subject of an

1 objection.”); Fed.R.Civ.P. 72(b)(3) (“The district judge must determine de novo any part of
2 the magistrate judge's disposition that has been properly objected to.”). This Court considers
3 the R&R to be thorough and well-reasoned. Additionally, after conducting an independent
4 and de novo review of the record, the Court agrees with Judge Bowman’s recommendation.
5 The Court will therefore ADOPT the R&R of Magistrate Judge Bowman (Doc. 19).

6 Accordingly,

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

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

13 DATED this 3rd day of May, 2013.

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18 **Raner C. Collins**
19 **United States District Judge**
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