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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Neal James Rolf,  
Petitioner,  
v.  
Charles L Ryan, et al.,  
Respondents.

No. CV-15-00025-TUC-RCC  
**ORDER**

Pending before the Court is the pro se petition for Writ of Habeas Corpus (Doc. 1) filed pursuant to 28 U.S.C. § 2241 by Neal James Rolf, (“Petitioner”) and Magistrate Judge Thomas Ferraro’s May 24, 2017 Report and Recommendation (“R&R”) addressing the same (Doc. 27). Neither Petitioner nor Respondent has filed objections to the R&R.

The Court accepts and adopts Magistrate Judge Ferraro’s R & R (Doc. 27) as the findings of fact and conclusions of law of this Court.

**I. Background**

The factual and procedural background of this matter are thoroughly detailed in the R&R. The Court fully incorporates by reference this section of the R&R.

**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). Thereunder the district court may “accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P.

1 72(b)(3); 28 U.S.C. § 636(b)(1).

2 Where the parties object to an R & R, “[a] judge of the [district] court shall make a  
3 de novo determination of those portions of the [R & R] to which objection is made.” 28  
4 U.S.C. § 636(b)(1); see *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection  
5 is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d  
6 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22  
7 (9th Cir. 2003) (en banc). “[T]he magistrate judge’s decision...is entitled to great  
8 deference by the district court.” *U.S. v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.  
9 2001). The Court will not disturb a magistrate judge’s recommendation unless his factual  
10 findings are clearly erroneous or his legal conclusions are contrary to law. 28 U.S.C. §  
11 636(b)(1)(A).

12 Here, the parties have not objected to the R & R, which relieves the Court of its  
13 obligation to review either the factual findings or legal conclusions de novo. See *United*  
14 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Thomas v. Arn*, 474 U.S.  
15 140, 149 (1985) (“[Section 636(b)(1) ] does not ... require any review at all ... of any  
16 issue that is not the subject of an objection.”); Fed.R.Civ.P. 72(b)(3) (“The district judge  
17 must determine de novo any part of the magistrate judge's disposition that has been  
18 properly objected to.”).

19 Regardless, after a thorough review of the record, this Court considers the R & R  
20 to be thorough and well-reasoned. The Court will adopt Magistrate Judge Ferraro’s  
21 R&R. Accordingly,

22 ...

23 ...

24 ...


25 **IT IS ORDERED:**

- 26 1. Magistrate Judge Ferraro’s R&R (**Doc. 27**) is **ACCEPTED** and **ADOPTED** as  
27 the findings of fact and conclusions of law of this Court;
- 28 2. **DISMISSING** the Petition (**Doc. 1**) for the reasons set forth in the R&R.

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3. The Clerk of the Court shall close file in this matter.

Dated this 26th day of June, 2017.



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Honorable Raner C. Collins  
Chief United States District Judge