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

Gabriel Octavio Estrada,
Petitioner,
v.
Charles L Ryan, et al.,
Respondents.

No. CV-15-00044-TUC-RCC
ORDER

On May 25, 2017, Magistrate Judge D. Thomas Ferraro filed a Report and Recommendation (“R & R”) stating that Petitioner Gabriel Octavio Estrada’s Petition for Writ of Habeas Corpus should be dismissed. Doc. 23. On September 28, 2016, Petitioner was released from custody. Petitioner has not received a copy of the R & R because he has not informed the Court of his new address as required under Rule 83.3(d) of the Local Rules of Civil Procedure.

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

Where the parties object to an R & R, “[a] judge of the [district] court shall make a de novo determination of those portions of the [R & R] to which objection is made.” 28 U.S.C. § 636(b)(1); *see Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection

1 is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d
2 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22
3 (9th Cir. 2003) (en banc). The Court will not disturb a magistrate judge’s order unless his
4 factual findings are clearly erroneous or his legal conclusions are contrary to law. 28
5 U.S.C. § 636(b)(1)(A). “[T]he magistrate judge’s decision...is entitled to great deference
6 by the district court.” *United States v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.
7 2001). A failure to raise an objection waives all objections to the magistrate judge’s
8 findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object
9 to a Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety
10 of finding waiver of an issue on appeal.” *Id.* (internal citations omitted).

11 Here, the parties have not objected to the R & R, which relieves the Court of its
12 obligation to review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
13 2003); *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not ...
14 require any review at all ... of any issue that is not the subject of an objection.”);
15 Fed.R.Civ.P. 72(b)(3) (“The district judge must determine de novo any part of the
16 magistrate judge's disposition that has been properly objected to.”). This Court considers
17 the R & R to be thorough and well-reasoned. After a thorough and de novo review of the
18 record, the Court accepts adopts Magistrate Judge D. Thomas Ferraro’s R & R.

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Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge D. Thomas Ferraro’s Report and Recommendation is **accepted and adopted**. Doc. 23.

IT IS FURTHER ORDERED that Petitioner Gabriel Octavio Estrada’s Petition for Writ of Habeas Corpus is **denied**. Doc. 1

IT IS FURTHER ORDERED that the Clerk of Court is directed to close this case.

Dated this 21st day of June, 2017.



Honorable Raner C. Collins
Chief United States District Judge