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

Angelino Paolo Buccheri-Bianca,  
Petitioner,  
v.  
Charles L Ryan, et al.,  
Respondents.

No. CV-15-00229-TUC-RM  
**ORDER**

On November 1, 2017, Magistrate Judge Velasco issued a Report and Recommendation (Doc. 26) recommending that this Court dismiss and deny the Petition for a Writ of Habeas Corpus (Doc. 1). No objections to the Report and Recommendation were filed.

A district judge must “make a de novo determination of those portions” of a magistrate judge’s “report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). The advisory committee’s notes to Rule 72(b) of the Federal Rules of Civil Procedure state that, “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” of a magistrate judge. Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.”); *Prior v. Ryan*, CV 10-225-TUC-RCC, 2012 WL 1344286, at \*1 (D. Ariz. Apr. 18, 2012) (reviewing for

1 clear error unobjected-to portions of Report and Recommendation).

2 The Court has reviewed Judge Velasco's Report and Recommendation, the  
3 parties' briefs, and the record. The Court finds no error in Judge Velasco's Report and  
4 Recommendation.

5 As mentioned in Judge Velasco's Report and Recommendation, the record  
6 indicates that in October 2017, Petitioner's mail was returned as undeliverable. (*See* Doc.  
7 25.) In order to help ensure proper delivery of court filings to Petitioner, Judge Velasco  
8 directed the Clerk of Court to mail a copy of the Report and Recommendation to  
9 Petitioner at the ASPC Florence-Central Unit-Medical, in addition to Petitioner's address  
10 of record. (Doc. 26 at 36.) Judge Velasco ordered Petitioner to file a Notice of Address  
11 with the Court within seven days of his release from the medical unit. (*Id.*) Petitioner has  
12 yet to file such notice.<sup>1</sup> Thus, to ensure proper delivery, the Court will again direct the  
13 Clerk of Court to mail a copy of this Order to Petitioner at both his address of record and  
14 at the ASPC Florence-Central Unit-Medical.

15 **IT IS ORDERED** that the Report and Recommendation (Doc. 26) is **accepted**  
16 **and adopted in full.**

17 **IT IS FURTHER ORDERED** that the Petition Under 28 U.S.C. § 2254 for a  
18 Writ of Habeas Corpus (Doc. 1) is **denied**, and this action is **dismissed**. The Clerk of  
19 Court is directed to enter judgment accordingly.

20 **IT IS FURTHER ORDERED** that, pursuant to Rule 11 of the Rules Governing  
21 Section 2254 Cases, the Court declines to issue a certificate of appealability, because  
22 reasonable jurists would not find the Court's ruling debatable. *See Slack v. McDaniel*,  
23 529 U.S. 473, 478, 484 (2000).


24 \_\_\_\_\_  
25 <sup>1</sup> The Court reminds Petitioner of his ongoing obligation to keep the Court  
26 informed of any address change within seven days after the effective date of the change.  
27 *See* LRCiv. 83.3(d). If, due to a serious illness or incapacitation, Petitioner has been  
28 unable to receive or understand the filings such that he has been unable to effectively  
prosecute his case, Petitioner may file a motion explaining his circumstances and  
requesting relief from this or other orders of the Court. *See, e.g., Fed. R. Civ. P. 60(b)*  
(providing a ground for relief from a final judgment, order, or proceeding for any reason  
justifying relief).

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**IT IS FURTHER ORDERED** that the **Clerk of Court** is directed to mail a copy of this Order to Petitioner at his address of record, in addition to the following address:

ASPC Florence-Central Unit-Medical  
P.O. Box 8200  
Florence, Arizona 85132

Dated this 28th day of November, 2017.

  
\_\_\_\_\_  
Honorable Rosemary Marquez  
United States District Judge