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

Robert Elie Villanueva,
Petitioner,
v.
JT Shartle,
Respondent.

No. CV-15-00494-TUC-RCC
ORDER

Pending before the Court is Petitioner Robert Villanueva’s Petition for Writ of Habeas Corpus (Doc. 1), and Magistrate Judge Velasco’s Report and Recommendation (“R & R”) (Doc. 15). For the following reasons, the Court shall adopt the R & R.

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 “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 is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22

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

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

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Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Velasco's Report and Recommendation is **ACCEPTED** and **ADOPTED** as the findings of fact and conclusions of law by this Court. Doc. 15

IT IS FURTHER ORDERED that Robert Villanueva's Petition for Writ of Habeas Corpus is **denied**. Doc. 1.

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

Dated this 21st day of March, 2017.



Raner C. Collins
Chief United States District Judge