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

Andrew Charles Jackson,
Petitioner,
v.
J.T. Shartle,
Respondent.

No. CV-15-00579-TUC-RCC
ORDER

Pending before the Court is the pro se petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241 by Andrew Charles Jackson (“Petitioner”) and Magistrate Judge Ferraro’s July 19, 2017 Report and Recommendation (“R&R”) recommending dismissal of the petition. Neither Petitioner nor Respondent filed objections to the R&R.

The Court accepts and adopts Magistrate Judge Ferraro’s R & R 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

1 evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P.
2 72(b)(3); 28 U.S.C. § 636(b)(1).

3 Where the parties object to an R & R, “[a] judge of the [district] court shall make a
4 de novo determination of those portions of the [R & R] to which objection is made.” 28
5 U.S.C. § 636(b)(1); see *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). When no objection
6 is filed, the district court need not review the R & R de novo. *Wang v. Masaitis*, 416 F.3d
7 992, 1000 n. 13 (9th Cir.2005); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22
8 (9th Cir. 2003) (en banc). “[T]he magistrate judge’s decision...is entitled to great
9 deference by the district court.” *U.S. v. Abonce-Barrera*, 257 F.3d 959, 969 (9th Cir.
10 2001). The Court will not disturb a magistrate judge’s recommendation unless his factual
11 findings are clearly erroneous or his legal conclusions are contrary to law. 28 U.S.C. §
12 636(b)(1)(A).

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

20 After a thorough review of the record, this Court considers the R & R to be
21 thorough and well-reasoned. The Court will adopt Magistrate Judge Ferraro’s R&R in its
22 entirety. Accordingly,

23 ...

24 ...

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26 **IT IS ORDERED:**

- 27 1. Magistrate Judge Ferraro’s R&R (**Doc. 16**) is **ACCEPTED** and **ADOPTED**
28 as the findings of fact and conclusions of law by this Court;

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2. **DISMISSING** the Petition (**Doc. 1**).
Dated this 3rd day of October, 2017.



Honorable Raner C. Collins
Chief United States District Judge