



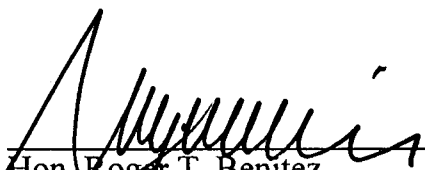
1 A district judge “may accept, reject, or modify the recommended disposition” of a  
2 Magistrate Judge on a dispositive matter. FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C.  
3 §636(b)(1). “[T]he district judge must determine de novo any part of the [report and  
4 recommendation] that has been properly objected to.” FED. R. CIV. P. 72(b)(3). However,  
5 “[t]he statute makes it clear that the district judge must review the magistrate judge’s findings  
6 and recommendations de novo *if objection is made*, but not otherwise.” *United States v.*  
7 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc), *cert denied*, 540 U.S. 900 (2003)  
8 (emphasis in original); *see also Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).  
9 “Neither the Constitution nor the statute requires a district judge to review, de novo, findings  
10 and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d  
11 at 1121.

12 In the absence of any objections, the Court **ADOPTS** the Report and Recommendation  
13 in its entirety and **DENIES** Petitioner’s motion for stay and abeyance.

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**IT IS SO ORDERED.**

DATED: 12/01/2010

  
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Hon. Roger T. Benitez  
United States District Court