

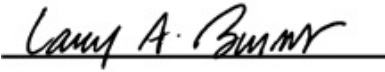
1 but not otherwise." *Id.* When no objections are filed, the Court need not review the report
2 and recommendation de novo. *Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005).
3 See also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1225-26 & n.5 (D. Ariz. 2003)
4 (applying *Reyna-Tapia* to habeas review).

5 The Court has reviewed the R&R, finds it to be correct, and **ADOPTS** it. In particular,
6 the Supreme Court's recent decision in *Swarthout v. Cooke*, 131 S.Ct. 859 (2011) makes
7 clear the petition cannot succeed. The petition is **DENIED**.

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IT IS SO ORDERED.

DATED: September 15, 2011


HONORABLE LARRY ALAN BURNS
United States District Judge