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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAVID ANDREW REDD,

vs.

TRIMBLE, Warden,

Respondent.

CASE NO. 11cv1275-LAB (WMc)
**ORDER ADOPTING REPORT
AND RECOMMENDATION; AND

ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS**

Petitioner David Redd is a prisoner in state custody. The petition was referred to Magistrate Judge William McCurine for report and recommendation. After receiving briefing, Judge McCurine on November 8, 2011 issued his report and recommendation (the "R&R"), which recommended denying the petition. The R&R required that objections be filed no later than November 29, 2011, but no objections have been filed nor has Redd filed anything else nor sought additional time in which to do so.

A district court has jurisdiction to review a Magistrate Judge's report and recommendation on dispositive matters. Fed. R. Civ. P. 72(b). "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Id. "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). This section does not require some lesser review by the district court when no objections are filed.

1 *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). The "statute makes it clear that the district
2 judge must review the magistrate judge's findings and recommendations de novo *if objection*
3 *is made*, but not otherwise." *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
4 banc); see *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1225–26 & n.5 (D.Ariz. 2003)
5 (applying *Reyna-Tapia* to habeas review).

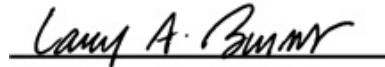
6 The Court has reviewed the R&R, finds it to be correct, and **ADOPTS** it. The Petition
7 is **DENIED**.

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9 **IT IS SO ORDERED.**

10 DATED: May 10, 2012

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HONORABLE LARRY ALAN BURNS
United States District Judge

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