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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 EBRAHIM MUSSA MOHAMED,
12 Plaintiff,
13 v.
14 CYNTHIA TAMPKINS,
15 Defendant.

Case No.: 15CV704 BEN (WVG)

**ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
MOTION TO STAY**

[Docket Nos. 9, 21]

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17 Petitioner Ebrahim Mussa Mohamed filed a Petition for Writ of Habeas Corpus
18 pursuant to 28 U.S.C. § 2254 on March 30, 2015. (Docket No. 1.) On June 3, 2015,
19 Petitioner filed the Motion to Stay presently before the Court. (Docket No. 9.) A
20 briefing schedule was issued and an Opposition to the Motion to Stay was filed. (Docket
21 Nos. 6-7.)

22 On February 3, 2016, Magistrate Judge William V. Gallo issued a thoughtful and
23 thorough Report and Recommendation recommending this Court deny Petitioner's
24 Motion to Stay. (Docket No. 21.) Any objections to the Report and Recommendation
25 were due February 23, 2016. (Id.) Petitioner has not filed any objections. For the
26 reasons that follow, the Report and Recommendation is **ADOPTED**.

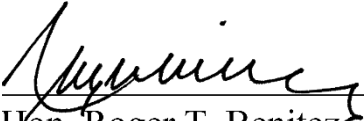
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1 A district judge “may accept, reject, or modify the recommended disposition” of a
2 magistrate judge on a dispositive matter. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C.
3 § 636(b)(1). “[T]he district judge must determine de novo any part of the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

11 The Court has considered and agrees with the Report and Recommendation. The
12 Court **ADOPTS** the Report and Recommendation. Petitioner’s Motion to Stay is
13 **DENIED.**

14 **IT IS SO ORDERED.**

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16 Dated: March 4, 2016

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18 Hon. Roger T. Benitez
19 United States District Judge
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