

1 2016. To date, no objections have been filed, and neither party has requested
2 additional time to do so.

3 DISCUSSION

4 The Court reviews *de novo* those portions of an R&R to which objections are
5 made. *See* 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole
6 or in part, the findings or recommendations made by the magistrate judge.” *Id.* “The
7 statute makes it clear,” however, “that the district judge must review the magistrate
8 judge’s findings and recommendations *de novo if objection is made*, but not
9 otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en
10 banc) (emphasis in original); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
11 1226 (D. Ariz. 2003) (concluding that where no objections were filed, the district
12 court had no obligation to review the magistrate judge’s report). “Neither the
13 Constitution nor the statute requires a district judge to review, *de novo*, findings and
14 recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328
15 F.3d at 1121. This legal rule is well-established in the Ninth Circuit and this district.
16 *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005) (“Of course, *de novo*
17 review of a[n] R & R is only required when an objection is made to the R & R.”);
18 *Nelson v. Giurbino*, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting
19 report in its entirety without review because neither party filed objections to the
20 report despite the opportunity to do so); *see also Nichols v. Logan*, 355 F. Supp. 2d
21 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

22 In this case, the deadline for filing objections was September 9, 2016.
23 However, no objections have been filed, and neither party has requested additional
24 time to do so. Consequently, the Court may adopt the R&R on that basis alone. *See*
25 *Reyna-Tapia*, 328 F.3d at 1121. Nonetheless, having conducted a *de novo* review of
26 the Petition (ECF No. 1), Respondents’ Answer (ECF No. 7), Petitioner’s Traverse
27 (ECF No. 9), the lodgments (ECF No. 8), and Magistrate Judge Gallo’s R&R, the
28 Court concludes that Judge Gallo’s reasoning is sound. Accordingly, the Court

1 approves and **ADOPTS IN ITS ENTIRETY** the R&R. *See* 28 U.S.C. § 636(b)(1).

2 The Petition for Writ of Habeas Corpus is **DENIED**.

3 **IT IS SO ORDERED.**

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5 **DATED: October 11, 2016**

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Hon. Cynthia Bashant
United States District Judge

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