

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

IRVIN PENA TOVAR,

Petitioner,

No. 3:15-cv-00938-SU

v.

ORDER

MARION FEATHER,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Sullivan issued a Findings and Recommendation [44] on December 1, 2015, in which she recommends that this Court deny as moot Mr. Tovar's Petition for Writ of Habeas Corpus [2] under U.S.C. § 2241. The matter is now before me under 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because neither party timely filed an objection to the Magistrate Judge's Findings and Recommendation, I am relieved of my obligation to review the record *de novo*. United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); see also United States v. Bernhardt,

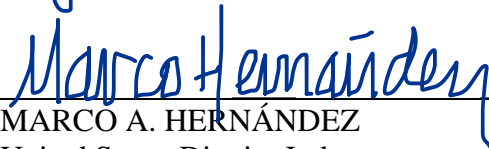
840 F.2d 1441, 1444 (9th Cir. 1988) (*de novo* review required only for portions of Magistrate Judge's report to which objections have been made). Having reviewed the legal principles *de novo*, the Court finds no error. I note that Judge Sullivan recommends dismissing Mr. Tovar's petition because he is no longer in federal custody, and thus his petition for habeas relief is moot.

#### CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [12]. Accordingly, Mr. Tovar's Petition for Writ of Habeas Corpus [2] is denied. Additionally, the Court declines to issue a Certificate of Appealability because Mr. Tovar has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED this 28 day of January, 2015.

  
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MARCO A. HERNÁNDEZ  
United States District Judge