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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,
Plaintiff/Respondent,
v.
Jagdish Singh,
Defendant/Movant.

No. CV07-306-PHX-DGC (HCE)
CR03-540 PHX DGC

ORDER

Pending before the Court are Movant/Defendant Jagdish Singh’s motion to vacate, set aside or correct sentence by a person in federal custody pursuant to 28 U.S.C. § 2255 and United States Magistrate Judge Hector C. Estrada’s Report and Recommendation (“R&R”). Dkt. ##1, 10. The R&R recommends that the Court deny the motion because Movant has failed to establish that trial counsel was ineffective. Dkt. #10 at 18. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 18-19 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

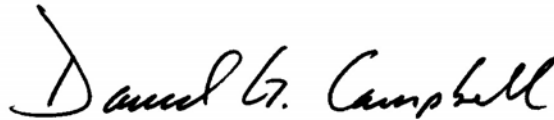
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). The

1 Court will accept the R&R and deny Defendant/Movant's motion. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court "may accept, reject, or modify, in whole or in part, the findings
3 or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The district judge
4 may accept, reject, or modify the recommended disposition; receive further evidence; or
5 return the matter to the magistrate judge with instructions.").

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Hector C. Estrada's R&R (Dkt. #10) is **accepted**.
8 2. Defendant/Movant's motion to vacate, set aside, or correct sentence by a
9 person in federal custody pursuant to 28 U.S.C. § 2255 (Dkt. #1) is **denied**.
10 3. The Clerk of Court shall **terminate** this action.

11 DATED this 15th day of April, 2009.

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David G. Campbell
United States District Judge
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