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

United States of America,)	No. CR-05-1042-PHX-EHC
)	No. CV-07-2079-GMS (JCG)
Plaintiff-Respondent,)	
)	
v.)	ORDER
)	
Orlando Rios-Lagarrata,)	
)	
Defendant-Movant.)	

Pending before the Court are Plaintiff-Respondent’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody and United States Magistrate Judge Guerin’s Report and Recommendation (“R&R”). Dkt. ## 1, 10). The R&R recommends that the Court deny the motion. 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 6 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b) 6(a) and 6(e); *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 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will
2 accept the R&R and deny the motion. *See* 28 U.S.C. § 636(b)(1) (stating that the district
3 court “may accept, reject, or modify, in whole or in part, the findings or recommendations
4 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,
5 or modify the recommended disposition; receive further evidence; or return the matter to the
6 magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Guerin’s R&R (Dkt. # 10) is **accepted**.
- 9 2. Plaintiff-Respondent’s Motion to Vacate, Set Aside or Correct Sentence (Dkt
10 # 1) is **denied**.
- 11 3. The Clerk of Court shall **terminate** this action.

12 DATED this 26th day of August, 2009.

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15 _____
16 G. Murray Snow
17 United States District Judge
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