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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	No. CV 07-2644 PHX-NVW (LOA)
)	No. CR 05-1260 PHX-NVW
Plaintiff/Respondent,)	
vs.)	ORDER
Jose Antonio Garibay-Mares,)	
Defendant/Movant.)	

Before the Court is the defendant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. Section 2255 (doc. #1). The Government filed a Response, and defendant filed no reply. On September 25, 2008, United States Magistrate Judge Lawrence O. Anderson issued a Report and Recommendation ("R & R") (doc. #6) recommending that the defendant's Motion to Vacate, Set Aside or Correct Sentence be denied. No objections were filed to the R & R.

Because the parties did not file objections, the court need not review any of the Magistrate Judge's determinations on dispositive matters. See 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); *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."). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a)

1 (“Within 10 days after being served with a copy of the magistrate judge’s order, a party may
2 serve and file objections to the order; a party may not thereafter assign as error a defect in
3 the magistrate judge’s order to which objection was not timely made.”); *Simpson v. Lear*
4 *Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps v. GMC*, 289 F.3d 1117, 1120-
5 21 (9th Cir. 2002).

6 Notwithstanding the absence of an objection, the Court has reviewed the R&R and
7 agrees with it. The court will accept the R&R and deny the Motion. *See* 28 U.S.C. §
8 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part,
9 the findings or recommendations made by the magistrate”).

10 IT IS THEREFORE ORDERED accepting the Report and Recommendation of
11 Magistrate Judge Anderson (doc. # 6).

12 IT IS FURTHER ORDERED that defendant's Motion to Vacate, Set Aside or Correct
13 Sentence pursuant to 28 U.S.C. Section 2255 (doc. #1) is denied.

14 IT IS FURTHER ORDERED that the Clerk of the Court shall terminate this action.

15 DATED this 17th day of October, 2008.

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Neil V. Wake
United States District Judge