

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff,  
  
vs.  
  
Jerome Stanley Carlos,  
  
Defendant.

) No. CR 05-0252 PHX NVW  
) No. CV 08-0418 PHX NVW (ECV)

**ORDER**

Before the Court are Defendant's Amended Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (doc. # 1), United States Magistrate Judge Voss's Report and Recommendation (doc. # 2), the Objection to the Magistrate's Report and Recommendation (doc. # 3), and the Government's Reply (doc. # 4).

The Court has considered the Objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the Court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court agrees with the magistrate judge's determinations, accepts his recommended decision within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules the objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate").

1           IT IS THEREFORE ORDERED that the Report and Recommendation of Magistrate  
2 Judge Voss (doc. # 2) is accepted.

3           IT IS FURTHER ORDERED that Defendant's Amended Motion to Vacate, Set Aside  
4 or Correct Sentence pursuant to 28 U.S.C. § 2255 (doc. # 1) is denied.

5           IT IS FURTHER ORDERED that the procedurally improper Motion for Summary  
6 Judgment (doc. # 83 in CR 05-0252) is denied as moot.

7           IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
8 accordingly and terminate this action.

9           DATED this 18<sup>th</sup> day of February, 2009.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
\_\_\_\_\_  
Neil V. Wake  
United States District Judge