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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff/Respondent,
vs.
Denys Ray Hughes,
Defendant/Movant.

) No. CV-09-773-PHX-EHC (JRI)
) No. CR-05-759-PHX-EHC

ORDER

On July 25, 2011, Magistrate Judge Jay R. Irwin issued a Report and Recommendation (Doc. 30), regarding Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Magistrate Judge recommends denying the Motion. Movant has not filed a Response or Objection to the Report and Recommendation.¹

The district court reviews de novo the portions of the Magistrate Judge's Report and Recommendation to which there is a filed objection. 28 U.S.C. § 636(b)(1)(C) ("a judge of the court shall make a de novo determination of those portions of the report ... to which objection is made"); see also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir.

¹ The Court notes that a copy of the Report and Recommendation was mailed to Movant on July 25, 2011. On August 5, 2011, it was returned to the Clerk's Office marked "Return to Sender" as Movant did not provide a forwarding address in violation of Local Rule 83.3(d) (Doc. 31). According to the Bureau of Prisons, as of September 14, 2011, Movant has escaped and his location is unknown.

1 2003). The district court is not required to review any issue that is not the subject of an
2 objection. Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1220 (D. Ariz. 2003), citing Thomas
3 v. Arn, 474 U.S. 140, 149 (1985).

4 The Court, having considered the record and the Report and Recommendation of the
5 Magistrate Judge, adopts the Report and Recommendation as the Order of Court.

6 Accordingly,

7 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc. 30-
8 CV-09-773-PHX-EHC (JRI)) is adopted in full, including denial of a Certificate of
9 Appealability.

10 **IT IS FURTHER ORDERED** that Movant's Motion to Vacate, Set Aside or Correct
11 Sentence (Doc. 1) is denied.

12 DATED this 14th day of September, 2011.

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16 Earl H. Carroll
17 United States District Judge
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