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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,	)	No. CV-09-1439-PHX-ROS
Plaintiff,	)	No. CR-06-349-PHX-ROS
vs.	)	<b>ORDER</b>
Carlin Grant Bartschi,	)	
Defendant/Petitioner.	)	

Pending before the Court is Magistrate Judge Edward C. Voss’s Report and Recommendation, which was filed on May 27, 2010. (Doc. 13) Magistrate Judge Voss recommends Petitioner’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) and Motion to Grant Relief Requested in Motion to Vacate (Doc. 5) be denied. Petitioner has not filed any objections.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 USC § 636(b). Where any party has filed timely objections to the magistrate judge’s report and recommendations, the district court’s review of the part objected to is to be *de novo*. *Id.*; *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (“Following *Reyna-Tapia*, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, but not otherwise.”) (internal

1 quotations and citations omitted). No objections being made, the Court will adopt the Report  
2 and Recommendation in full.

3 Pursuant to 28 U.S.C. foll § 2255, R. 11, the Court must “issue or deny a certificate  
4 of appealability when it enters a final order adverse to the applicant.” A certificate of  
5 appealability will be denied because the Petitioner has not made a substantial showing of the  
6 denial of a constitutional right as required by 28 U.S.C. § 2253(c)(2).


7 Accordingly,

8 **IT IS ORDERED** the Report and Recommendation (Doc. 13) is **ADOPTED** and  
9 the Motions (Docs. 1, 5) **ARE DENIED**.

10 **FURTHER ORDERED** a Certificate of Appealability **IS DENIED**.

11 DATED this 11<sup>th</sup> day of June, 2010.

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Roslyn O. Silver  
United States District Judge