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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Sacramento Velasquez-Morales,)	No. CV-10-00009-PHX-ROS
)	No. CR-08-01103-PHX-ROS
Defendant/Movant,)	
vs.)	ORDER
)	
United States of America,)	
)	
Plaintiff/Respondent.)	

Pending before the Court is Magistrate Judge Mark E. Aspey’s Report and Recommendation, which was filed on June 8, 2010. (Doc. 6) Magistrate Judge Aspey recommends Mr. Velasquez-Morales’s motion for relief from his convictions and sentences be denied and dismissed with prejudice.

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 quotations and citations omitted).

1 No objections being made, the Court will adopt the Report and Recommendation in
2 full. A certificate of appealability will be denied because the applicant has not made a
3 substantial showing of the denial of a constitutional right as required by 28 U.S.C.A §
4 2253(c)(2)

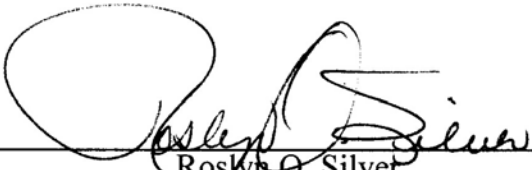
5 Accordingly,

6 **IT IS ORDERED** the Report and Recommendation (Doc. 6) is **ADOPTED** and
7 the Petition (Doc. 1) **IS DENIED** and dismissed with prejudice.

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

9 DATED this 20th day of July, 2010.

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Roslyn O. Silver
United States District Judge