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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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9 United States of America,) CV 10-0610-PHX-JAT (DKD)
10 Plaintiff/Respondent,) CR 08-0712-PHX-JAT
11 vs.) **ORDER**
12)
13 Jesus A. Murrieta-Perez)
14 Defendant/Petitioner/Movant.)

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16 Pending before the Court is Movant's Motion to Vacate, Set Aside or Correct
17 Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Magistrate Judge issued a Report and
18 Recommendation ("R&R") (Doc. 9) recommending that the Motion be denied.

19 Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts
20 the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not
21 required to conduct "any review at all . . . of any issue that is not the subject of an objection"
22 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en*
23 *banc*) ("statute makes it clear that the district judge must review the magistrate judge's
24 findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis
25 in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

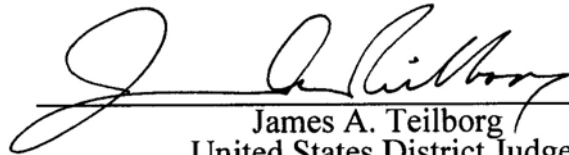
26 Accordingly,

27 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc. 9)
28 is **ACCEPTED and ADOPTED**;

1 **IT IS FURTHER ORDERED** that Movant's Motion to Vacate, Set Aside or Correct
2 Sentence pursuant to 28 U.S.C. § 2255 (Doc. #1) is **DENIED WITH PREJUDICE**; and the
3 Clerk of the Court shall enter judgment accordingly.

4 **IT IS FURTHER ORDERED** pursuant to Rule 11 of the Rules Governing Section
5 2255 Proceedings, in the event Movant files an appeal, the Court denies issuance of a
6 certificate of appealability because Movant has not made a substantial showing of the denial
7 of a constitutional right.

8 DATED this 6th day of October, 2010.

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13 James A. Teilborg
14 United States District Judge
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