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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff/Respondent,  
vs.  
Kinley Abner Goode, Sr.,  
Defendant/Movant.

) No. CV 10-905-PHX-EHC (MHB)  
) No. CR 05-00067-PHX-EHC

**ORDER**

On April 27, 2010, Movant filed a Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255. The United States has filed a Response (Doc. 6). The matter was referred to Magistrate Judge Michelle H. Burns who filed a Report and Recommendation on April 5, 2011 recommending that the Motion be denied (Doc. 7 - CV 10-905).

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

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The Report and Recommendation will be adopted as the Order of the Court.

Accordingly,

**IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (Doc. 7 - CV 10-905-PHX-EHC (MHB)) is adopted in full, including denial of a Certificate of Appealability and leave to proceed in forma pauperis on appeal.

**IT IS FURTHER ORDERED** that the Motion to Vacate, Set Aside or Correct Sentence is denied.

DATED this 11th day of May, 2011.



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Earl H. Carroll  
United States District Judge