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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Respondent/Plaintiff,  
vs.  
Gregory Thomas Young, Jr.,  
Movant/Defendant.

) No. CV-10-2415-PHX-ROS (MHB)  
) No. CR-07-1217-PHX-ROS

**ORDER**

Pending before the Court is: (1) Movant/Defendant’s motion to vacate, set aside or correct sentence (the “Motion”); and (2) the magistrate judge’s Report and Recommendation (“R&R”). The Motion appears as Doc. 1 in civil case CV-10-2415 and Doc. 152 in criminal case CR-07-1217. The R&R appears as Doc. 11 in civil case CV-10-2415. For the reasons below, the R&R will be adopted in full.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 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 The R&R was issued November 21, 2011. No objections being made, the Court will  
2 adopt the Report and Recommendation in full.

3 Accordingly,

4 **IT IS ORDERED** the Report and Recommendation (**Doc. 11 in civil case CV-10-**  
5 **2415**) is **ADOPTED IN FULL**.

6 **IT IS ORDERED** Petitioner's motion to vacate, set aside or correct sentence (**Doc.**  
7 **1 in civil case CV-10-2415**) and (**Doc. 152 in criminal case CR-07-1217**) is **DENIED**.

8 **IT IS ORDERED** a Certificate of Appealability and leave to proceed *in forma*  
9 *pauperis* on appeal is denied because jurists of reason would not find the ruling debatable,  
10 and because Petitioner has not made a substantial showing of the denial of a constitutional  
11 right.

12 DATED this 29th day of December, 2011.

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16 Roslyn O. Silver  
17 Chief United States District Judge  
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