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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff/Respondent,  
vs.  
Timothy K. Isaac,  
Defendant/Movant.

No. CV-11-0827-PHX-PGR (ECV)  
No. CR-08-0036-PHX-PGR

ORDER

Having considered *de novo* the Report and Recommendation of Magistrate Judge Voss notwithstanding that no party has filed any objections to the Report and Recommendation, the Court finds that the Magistrate Judge correctly concluded that the movant's motion filed pursuant to 28 U.S.C. § 2255 should be denied in its entirety.

First, the movant claims that his plea of guilty on June 23, 2009 to nine fraud-related felonies was not knowingly and intelligently made due to a stroke he suffered in 2003 that left him mentally incompetent and physically disabled, and that he received ineffective assistance from one or more of his three retained attorneys in part because they apparently failed to determine whether his mental and physical disabilities prevented him from properly entering into the plea agreement. The Court

1 agrees with the Magistrate Judge that nothing in the record establishes that the  
2 movant was not competent to plead guilty, and that in fact the record as it relates (1)  
3 to the movant's post-stroke business endeavors in the years prior to his decision to  
4 plead guilty, and (2) to his statements at his change of plea hearing, as well as his  
5 statements and the statements of his supporters at his sentencing, fully confirm that  
6 he was not suffering from any mental impairment at the time he entered into this plea  
7 agreement.

8           Second, the Court also agrees with the Magistrate Judge that the movant's  
9 other ineffective assistance of counsel-related claims, *i.e.*, that one of his attorneys  
10 had a conflict of interest, that one of his attorneys had no criminal experience, and  
11 that one or more of his attorneys' misrepresented that he would receive probation  
12 if he pleaded guilty, are also all belied by the record, particularly as it relates to the  
13 movant's statements at the change of plea hearing. Therefore,

14           IT IS ORDERED that the Magistrate Judge's Report and Recommendation  
15 (Doc. 12) is accepted and adopted by the Court.

16           IT IS FURTHER ORDERED that the movant Timothy K. Issac's Motion Under  
17 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by a Person in Federal  
18 Custody is denied and that this action is dismissed. The Clerk of the Court shall  
19 enter judgment accordingly.

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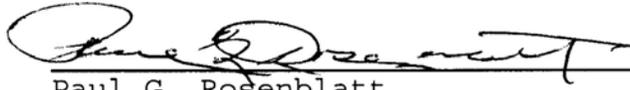
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1 IT IS FURTHER ORDERED that no certificate of appealability shall issue  
2 because the movant has not made a substantial showing of the denial of a  
3 constitutional right, and that the movant should not be allowed to appeal *in forma*  
4 *pauperis*.

5 DATED this 17<sup>th</sup> day of October, 2012.

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8 Paul G. Rosenblatt  
United States District Judge