

1 **WO**

2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8
9 United States of America,
10 Plaintiff/Respondent,
11 v.
12 Luis Arturo Alonzo,
13 Defendant/Petitioner.

No. CV-11-02171-PHX-GMS (ECV)
No. CR-10-1431-PHX-GMS

ORDER

14
15 Pending before the Court are Petitioner's Motion to Vacate, Set Aside or Correct
16 Sentence pursuant to 28 U.S.C. § 2225 and United States Magistrate Judge Edward C.
17 Voss's Report and Recommendation ("R&R"). Docs. 1, 10. The R&R recommends that
18 the Court deny the Motion. Doc. 10 at 10. The Magistrate Judge advised the parties that
19 they had fourteen days to file objections to the R&R and that failure to file timely
20 objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at
21 10 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(b), 72; *United States v. Reyna-Tapia*,
22 328 F.3d 1114, 1121 (9th Cir. 2003)).

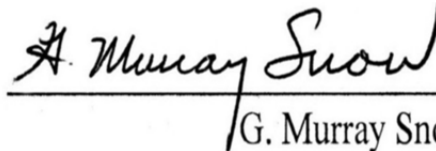
23 The parties did not file objections, which relieves the Court of its obligation to
24 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
25 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is
26 not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must
27 determine de novo any part of the magistrate judge's disposition that has been properly
28 objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and deny the Motion. *See* 28 U.S.C. § 636(b)(1)
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
4 district judge may accept, reject, or modify the recommended disposition; receive further
5 evidence; or return the matter to the magistrate judge with instructions.”).

6 **IT IS ORDERED:**

- 7 1. Magistrate Judge Voss’s R&R (Doc. 10) is **accepted**.
- 8 2. Petitioner’s Motion to Vacate, Set Aside or Correct Sentence (Doc. 1) is
9 **denied**.
- 10 3. The Clerk of Court shall **terminate** this action.
- 11 4. The docket shall reflect that the Court certifies, pursuant to 28 U.S.C.
12 § 1915(a)(3) and Federal Rules of Appellate Procedure 24(a)(3)(A), that any appeal of
13 this decision would not be taken in good faith.

14 Dated this 26th day of February, 2013.

15 

16 _____
17 G. Murray Snow
18 United States District Judge
19
20
21
22
23
24
25
26
27
28