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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

vs.

Juan Manuel Muniz-Chaidez,

Defendant/Movant.

No. CV 12-2481-PHX-GMS
CR 11-1021-PHX-GMS

ORDER

Pending before the Court are Defendant/Movant's Juan Manuel Muniz-Chaidez Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence and United States Magistrate Judge Michelle H. Burns' Report and Recommendation ("R&R"). Docs. 1, 7. The R&R recommends that the Court deny the motion and dismiss with prejudice. Doc. 7 at 2. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 2-3 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a), 6(b), 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must

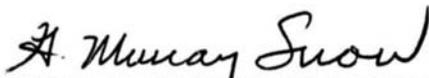
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1 determine de novo any part of the magistrate judge’s disposition that has been properly
2 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-
3 taken. The Court will accept the R&R and deny the motion and dismiss with prejudice.
4 See 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in
5 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.
6 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended
7 disposition; receive further evidence; or return the matter to the magistrate judge with
8 instructions.”).

9 **IT IS ORDERED:**

- 10 1. Magistrate Judge Burns’ R&R (Doc. 7) is **accepted**.
- 11 2. Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or
12 Correct Sentence (Doc. 1) is **dismissed with prejudice**.
- 13 3. The Clerk of Court shall **terminate** this action.
- 14 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
15 event Movant files an appeal, the Court declines to issue a certificate of appealability
16 because reasonable jurists would not find the Court’s procedural ruling debatable. See
17 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

18 Dated this 25th day of March, 2013.

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21 G. Murray Snow
22 United States District Judge
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