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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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United States of America,  
Plaintiff/Respondent,

No. CR 11-382-PHX-JAT  
CV 13-0095-PHX-JAT (BSB)

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vs.

**ORDER**

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Hector Macias-Gomez,  
Defendant/Movant.

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Pending before the Court is Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc.<sup>1</sup> 1). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. 10) recommending that the Motion be denied.

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Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

Accordingly,

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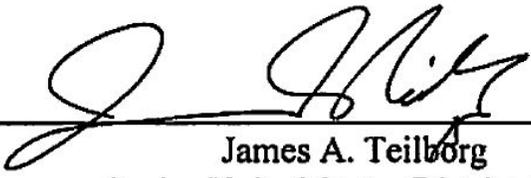
<sup>1</sup> All document numbers are in the CV case number.

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**IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. 10) is **ACCEPTED and ADOPTED** specifically:

- Movant’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) is **DENIED WITH PREJUDICE**; and the Clerk of the Court shall enter judgment accordingly;
- the Court denies issuance of a certificate of appealability.

DATED this 5<sup>th</sup> day of November, 2013.

  
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James A. Teilborg  
Senior United States District Judge