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

Jesus Humberto Rivera-Carrillo,  
Petitioner,  
v.  
United States of America,  
Respondent.

No. CV-13-00945-PHX-ROS  
**ORDER**

On January 10, 2014, Magistrate Judge David K. Duncan issued a Report and Recommendation (“R&R”) recommending Petitioner’s Motion to Vacate, Set Aside or Correct Sentence be denied. (Doc. 6). Shortly after the R&R was issued, Petitioner filed an “Amended Motion,” apparently trying to amend his original motion. On June 26, 2014, the Court informed Petitioner he needed to obtain “permission from the Court before amending his [motion].” (Doc. 9). But construing Petitioner’s filing as a request to amend, the request was denied. (Doc. 9). Petitioner was then informed that if he wished to object to any portion of the R&R, he needed to do so within fourteen days of June 26, 2014. Petitioner made no further filings in this case, leaving the R&R unopposed.

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 an R&R, the district court’s review of the objected to portions must be de novo. *Id.* If, however, no objections are filed, the district court need

1 not conduct any review. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.  
2 2003) (“[T]he district judge must review the magistrate judge’s findings and  
3 recommendations de novo *if objection is made*, but not otherwise.”). No objections  
4 having been filed, the R&R will be adopted in full.


5 Accordingly,

6 **IT IS ORDERED** the Report and Recommendation (Doc. 6) is **ADOPTED**. The  
7 Motion to Vacate, Set Aside or Correct Sentence (Doc. 1) is **DENIED**. The Clerk of  
8 Court shall enter judgment accordingly.

9 **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed  
10 in forma pauperis on appeal are **DENIED** because denial of the motion is justified by a  
11 plain procedural bar and jurists of reason would not find the ruling debatable, or because  
12 Petitioner has not made a substantial showing of the denial of a constitutional right.

13 Dated this 2nd day of September, 2014.

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Honorable Roslyn O. Silver  
Senior United States District Judge