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

Oscar Bolanos-Nunez,  
Petitioner,  
v.  
USA,  
Respondent.

No. CV-13-01088-PHX-GMS  
No. CR-12-00199-PHX-GMS  
**ORDER**

Pending before the Court are Petitioner’s Amended Motion to Vacate, Set Aside or Correct Sentence, Motion to Dismiss and United States Magistrate Judge Eileen S. Willett’s Report and Recommendation (“R&R”). Docs. 9, 29, 30. The R&R recommends that the Court grant the Motion to Dismiss and dismiss the Amended Motion to Vacate with prejudice. Doc. 30 at 3. 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 3 (citing Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

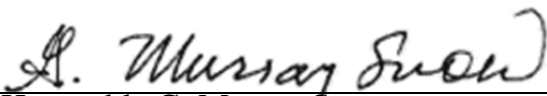
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”);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

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

9 **IT IS ORDERED:**

- 10 1. Magistrate Judge Willett’s R&R (Doc. 30) is **accepted**.
- 11 2. Petitioner’s Amended Motion to Vacate, Set Aside or Correct Sentence  
12 (Doc. 9) is **dismissed with prejudice**.
- 13 3. Petitioner’s Motion to Vacate Hearing and Dismiss (Doc. 29) is **granted**.
- 14 4. The Clerk of Court shall **terminate** this action and the Motion to Vacate  
15 (Doc. 24) in CR-12-00199-PHX-GMS and enter judgment accordingly.
- 16 5. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the  
17 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
18 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
19 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

20 Dated this 23rd day of June, 2015.

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23 Honorable G. Murray Snow  
24 United States District Judge  
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