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**IN THE UNITED STATES DISTRICT COURT**

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**FOR THE DISTRICT OF ARIZONA**

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USA,

CV-13-02193-PHX-JAT  
CR-12-00417-PHX-JAT

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Plaintiff/Respondent,

**ORDER**

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v.

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Felipe Sarabia-Labrador,

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Defendant/Movant.

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Pending before the Court is Movant’s Second Amended Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10). The Magistrate Judge to whom this case was assigned issued a Report and Recommendation (R&R) (Doc. 16) recommending that this Court deny the Motion.

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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”); *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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**IT IS ORDERED** that the Magistrate Judge’s Report and Recommendation (Doc. 16) is ACCEPTED and ADOPTED;

**IT IS FURTHER ORDERED** that Movant’s Second Amended Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10) is DENIED WITH PREJUDICE; and the Clerk of the Court shall enter judgment accordingly.

**IT IS FINALLY ORDERED** that pursuant to Rule 11 of the Rules Governing Section 2255 Proceedings, in the event Movant files an appeal, the Court denies issuance of a certificate of appealability because Movant has not made a substantial showing of the denial of a constitutional right.

Dated this 10th day of June, 2015.

  
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James A. Teilborg  
Senior United States District Judge