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

Jose Alejandro Higuera-Aboite,
Petitioner,
v.
USA,
Respondent.

No. CV-13-02462-PHX-ROS
ORDER

On June 5, 2015, Magistrate Judge Eileen S. Willett issued a Report and Recommendation (“R&R”) recommending the amended petition for writ of habeas corpus be denied. (Doc. 13). No objections were filed.

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 the magistrate judge’s R&R, the district court’s review of the part objected to is to be *de novo*. *Id.* If, however, no objections are filed, the district court need not conduct such a review. *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). No objections were filed and the R&R will be adopted in full.

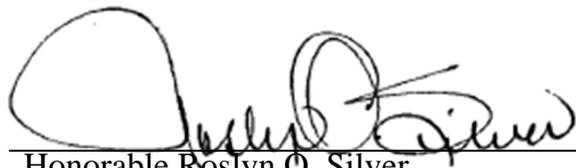
Accordingly,

IT IS ORDERED the Report and Recommendation (Doc. 13) is **ADOPTED** and the Petition for Writ of Habeas Corpus (Doc. 4) is **DENIED** and **DISMISSED WITH PREJUDICE**.

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IT IS FURTHER ORDERED a Certificate of Appealability and leave to proceed in forma pauperis on appeal are **DENIED** because Petitioner has not made a substantial showing of the denial of a constitutional right.

Dated this 30th day of July, 2015.



Honorable Roslyn O. Silver
Senior United States District Judge