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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Gonzalo Tellez-Sanchez,
Petitioner,
vs.
United States of America,
Respondent.

No. CV-13-02501-PHX-NVW (MEA)

ORDER

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Aspey (Doc. 14) regarding petitioner’s Motion for Return of Property (Doc. 1) filed pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure. The R&R recommends that the Motion for Return of Property (Doc. 1) be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 6 (citing Rule 72(b), Fed. R. Crim. P.)). No objections were filed.

Because the parties did not file objections, the court need not review any of the Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *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.”). The absence of a timely objection also means that error may not be assigned on appeal to any defect in the rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A

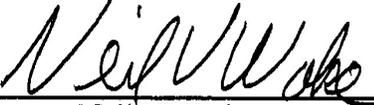
1 party may serve and file objections to the order within 14 days after being served with a
2 copy [of the magistrate's order]. A party may not assign as error a defect in the order not
3 timely objected to."); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174
4 (9th Cir. 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120–21 (9th Cir. 2002).

5 Notwithstanding the absence of an objection, the court has reviewed the R&R and
6 finds that it is well taken. The court will accept the R&R and dismiss the Motion for
7 Return of Property (Doc. 1). *See* 28 U.S.C. § 636(b)(1) (stating that the district court
8 "may accept, reject, or modify, in whole or in part, the findings or recommendations
9 made by the magistrate").

10 IT IS THEREFORE ORDERED that Report and Recommendation of the
11 Magistrate Judge (Doc. 14) is accepted.

12 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
13 and dismissing with prejudice Petitioner's Motion for Return of Property (Doc. 1) filed
14 pursuant to Rule 41(g) of the Federal Rules of Criminal Procedure with prejudice. The
15 Clerk shall terminate this action.

16 Dated this 7th day of July, 2014.

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20 Neil V. Wake
21 United States District Judge
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