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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Arnoldo Zazueta-Miranda,
Movant/Defendant,
vs.
United States of America,
Respondent/Plaintiff.

No. CV-14-0784-PHX-NVW (JFM)
CR-09-1509-PHX-NVW

ORDER

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge James F. Metcalf (Doc. 13) regarding Movant’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The R&R recommends that the Motion be denied. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 22 (citing Rule 72(b), Federal Rules of Civil Procedure and Rule 10, Rules Governing Section 2255 Proceedings). 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 party may serve and file objections to the order within 14 days after being served with a

1 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not
2 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir.
3 1996); *Phillips v. GMC*, 289 F.3d 1117, 1120–21 (9th Cir. 2002).

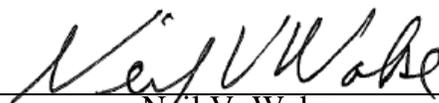
4 Notwithstanding the absence of an objection, the court has reviewed the R&R and
5 finds that it is well taken. The court will accept the R&R and deny the Motion. *See* 28
6 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole
7 or in part, the findings or recommendations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

8 IT IS THEREFORE ORDERED that Report and Recommendation of the
9 Magistrate Judge (Doc.13) is accepted.

10 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
11 Movant’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255
12 (Doc. 1). The Clerk shall terminate this action.

13 Having considered the issuance of a Certificate of Appealability from the order
14 denying Petitioner’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct
15 Sentence by Person in Federal Custody, the Court FINDS: Certificate of Appealability is
16 DENIED. Petitioner has not made a substantial showing of the denial of a constitutional
17 right. *See* Rule 11(a), Rules Governing Section 2255 Cases in the United States District
18 Courts; 28 U.S.C. § 2253(c)(3).

19 Dated this 11th day of March, 2015.

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23 Neil V. Wake
24 United States District Judge
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