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

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Jorge Daniel Lopez-Mejia,
Petitioner,

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v.

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USA, et al.,

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Respondents.

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No. CV-14-00841-PHX-GMS

No. CR-09-01145-PHX-GMS

ORDER

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Pending before the Court are Petitioner's (First) Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody and United States Magistrate Judge Eileen S. Willett's Report and Recommendation ("R&R") filed in the above referenced caption. Docs. 7, 20. The R&R recommends that the Court **[grant the Motion to Strike and deny the First Amended Motion to Vacate and dismiss with prejudice]**. Doc. 20 at 9-10. 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 10 (citing 28 U.S.C. § 28 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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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[, **grant the Motion to Strike and deny the First**
4 **Amended Motion to Vacate and dismiss with prejudice**]. See 28 U.S.C. § 36(b)(1)
5 (stating that the district court "may accept, reject, or modify, in whole or in part, the
6 findings or recommendations made by the magistrate"); Fed. R. Civ. P. 72(b)(3) ("The
7 district judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions.").

9 **IT IS ORDERED:**

- 10 1. Magistrate Judge Willett's R&R (Doc. 20) is **accepted**.
- 11 2. Respondent's Motion to Strike or Dismiss Second Amended Motion (Doc.
12 19) is **granted** and the Clerk of Court is directed to strike the Motion (Doc. 18).
- 13 2. Petitioner's (First) Amended Motion Under 28 U.S.C. § 2255 to Vacate,
14 Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 7) and also filed in
15 CR-09-01145 (Doc. 583) are **denied and dismissed with prejudice**.
- 16 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
17 event Movant 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 30th day of June, 2015.

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22 Honorable G. Murray Snow
23 United States District Judge