

1 NOT FOR PUBLICATION
2
3
4
5

6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Diego Martinez-Santana,
10 Petitioner,

11 v.

12 United States of America,
13 Respondent.
14

No. CV-14-01322-PHX-SRB (DKD)
CR13-0484-PHX-SRB
ORDER

15 Petitioner, Diego Martinez-Santana, filed a Motion to Vacate, Set Aside, or
16 Correct Sentence pursuant to 28 U.S.C. § 2255 on June 13, 2014. The United States filed
17 its response in opposition on October 6, 2014. Petitioner filed a reply October 20, 2014
18 and the United States filed a Supplemental Brief on November 3, 2014.
19

20 The Magistrate Judge filed the Report and Recommendation on June 22, 2015
21 recommending that Movant's Motion to Vacate, Set Aside, or Correct Sentence be
22 denied. In the Report and Recommendation, the Magistrate Judge advised the parties that
23 they had fourteen days from the date of service of a copy of the Report and
24 Recommendation within which to file specific written objections with the Court. The
25 time to file such objections has expired and no objections to the Report and
26 Recommendation have been filed.
27
28

1 The Court finds itself in agreement with the Report and Recommendation of the
2 Magistrate Judge.


3
4 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
5 Judge as the Order of this Court.

6 **IT IS FURTHER ORDERED** denying Petitioner’s Motion to Vacate, Set Aside
7 or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255.

8
9 **IT IS FURTHER ORDERED** denying a Certificate of Appealability and leave to
10 proceed in forma pauperis on appeal because Petitioner has not made a substantial
11 showing of the denial of a constitutional right.

12
13 **IT IS FURTHER ORDERED** directing the Clerk to enter judgment accordingly.

14 Dated this 16th day of July, 2015.

15
16
17
18 
19 _____
20 Susan R. Bolton
21 United States District Judge