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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Juan Rayas-Espinoza,

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Petitioner,

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v.

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United States of America,

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Respondent.

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Pending before the Court is Petitioner's Motion to Vacate, Set Aside or Correct Sentence and United States Magistrate Judge Eileen S. Willett's Report and Recommendation ("RARE"). Docs. 1, 7. The R&R recommends that the Court deny the Motion and dismiss with prejudice. Doc. 7 at 12. 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 12 (citing 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 determine de novo any part of the magistrate judge's disposition that has been properly

No. CV-14-02536-PHX-GMS

No. CR-14-00247-PHX-GMS

ORDER

1 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-
2 taken. The Court will accept the R&R and will deny the Motion and dismiss with
3 prejudice. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or
4 modify, in whole or in part, the findings or recommendations made by the magistrate”);
5 Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the
6 recommended disposition; receive further evidence; or return the matter to the magistrate
7 judge with instructions.”).

8 **IT IS ORDERED:**

- 9 1. Magistrate Judge Willett’s R&R (Doc. 7) is **accepted**.
- 10 2. Petitioner’s Motion to Vacate, Set Aside or Correct Sentence (Doc. 1) is
11 **denied and dismissed with prejudice**.
- 12 3. The Clerk of Court shall **terminate** this action and enter judgment
13 accordingly.
- 14 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
15 event Movant files an appeal, the Court declines to issue a certificate of appealability
16 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
17 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

18 Dated this 18th day of March, 2016.

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Honorable G. Murray Snow
21 United States District Judge