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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Lamberto Leyva-Garcia,
Movant/Defendant,
v.
United States of America,
Respondent/Plaintiff.

No. CV15-0275 PHX DGC (JFM)
CR14-0157 PHX DGC

ORDER

Movant/Defendant Lamberto Leyva-Garcia has filed an amended motion to vacate sentence pursuant to 28 U.S.C. § 2255. Doc. 4. United States Magistrate Judge James F. Metcalf has issued a report and recommendation (“R&R”) recommending that the motion be dismissed with prejudice. Doc. 19. No objection has been filed, which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R and dismiss the amended motion with prejudice.

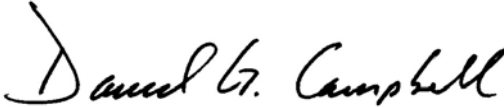
IT IS ORDERED:

1. The R&R (Doc. 19) is **accepted**.
2. The amended motion to vacate sentence (Doc. 4) is **dismissed with prejudice**.
3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

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4. The Clerk is directed to **terminate** this action.

Dated this 7th day of December, 2015.



David G. Campbell
United States District Judge