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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Richard D. Bernal,

No. CV15-0812 PHX DGC (JFM)

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Movant/Defendant,

ORDER

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v.

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United States of America,

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Respondent/Plaintiff.

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Movant/Defendant Richard D. Bernal has filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255. Doc. 1. United States Magistrate Judge Metcalf has issued a report and recommendation (“R&R”) recommending that Ground 1 of the motion be dismissed with prejudice and that the remainder of the motion be denied. Doc. 11. 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 Ground 1 with prejudice and deny the remainder of the motion.

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IT IS ORDERED:

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1. The R&R (Doc. 11) is **accepted**.

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2. Ground 1 of the motion to vacate sentence (Doc. 1) is **dismissed with prejudice**.

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3. The remainder of the motion to vacate sentence (Doc. 1) is **denied**.

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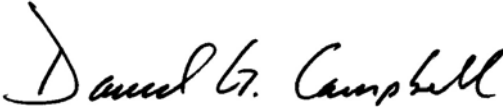
3. A certificate of appealability and leave to proceed *in forma pauperis* on

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appeal are **denied**

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

Dated this 7th day of December, 2015.



David G. Campbell
United States District Judge