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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Rodrigo Contreras-Ramirez,

No. CV-15-01692-PHX-GMS (BSB)

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Defendant/Movant,

ORDER

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v.

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USA,

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Plaintiff/Respondent.

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Pending before the Court is the Government's Motion to Dismiss Movant's claims of ineffective assistance of counsel and United States Magistrate Judge Bridget S. Bade's Report and Recommendation ("R&R"). Docs. 2, 24. The R&R recommends that the Court grant the Motion. Doc. 24 at 3. 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 16 (citing Fed. R. Civ. P. 72, 6(a), 6(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

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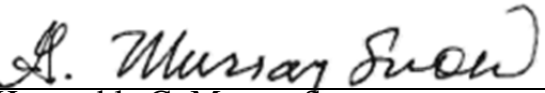
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); 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

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 grant the Motion. *See* 28 U.S.C. § 636(b)(1)
3 (stating that the district court “may accept, reject, or modify, in whole or in part, the
4 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
5 district judge may accept, reject, or modify the recommended disposition; receive further
6 evidence; or return the matter to the magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Bade’s R&R (Doc. 24) is **accepted**.
- 9 2. The Government’s Motion to Dismiss Movant’s claims of ineffective
10 assistance of counsel (Doc. 22) is **granted**.
- 11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
12 event Movant files an appeal, the Court declines to issue a certificate of appealability
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 14th day of November, 2016.

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18 Honorable G. Murray Snow
19 United States District Judge
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