

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 United States of America,
9
10 Plaintiff/Respondent,
11 vs.
12 Rebekah Ezilda Robertson,
13 Defendant/Movant.
14

No. CV-16-00127-PHX-SPL
(No. CR-14-00272-4-PHX-SPL)

ORDER

15 Movant Rebekah Ezilda Robertson has filed a Motion to Vacate, Set Aside, or
16 Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255
17 (“Motion”) (Doc. 1). On October 12, 2016, the Honorable James F. Metcalf, United
18 States Magistrate Judge, issued a Report and Recommendation (“R&R”), recommending
19 that the Court deny the Motion. Judge Metcalf advised the parties that they had fourteen
20 (14) days to file objections to the R&R and that failure to file timely objections could be
21 considered a waiver of the right to obtain review of the R&R. (Doc. 24 at 4); 28 U.S.C. §
22 636(b)(1); Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th
23 Cir. 2003).

24 The parties did not file objections, which relieves the Court of its obligation to
25 review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149
26 (1985) (“[Section 636(b)(1)] does not... require any review at all... of any issue that is
27 not the subject of an objection.”); Fed. R. Civ. P. 72(b)(3) (“The district judge must
28 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 adopt the R&R and deny 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.”). Accordingly,

7 **IT IS ORDERED:**

8 1. That Magistrate Judge Metcalf’s Report and Recommendation (Doc. 24) is
9 **accepted** and **adopted** by the Court;

10 2. That the Motion to Vacate, Set Aside, or Correct Sentence by a Person in
11 Federal Custody pursuant to 28 U.S.C. § 2255 (CV-16-00127-PHX-SPL, Doc. 1; Doc.
12 223, CR-14-00272-PHX-SPL) is **denied**;

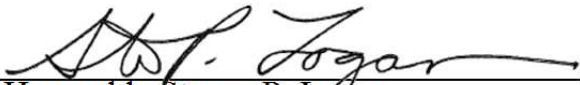
13 3. That this case is **dismissed with prejudice**;

14 4. That a certificate of appealability and leave to proceed *in forma pauperis* on
15 appeal are **denied** because jurists of reason would not find the procedural ruling
16 debatable;

17 5. That the Clerk of Court shall file this Order in the underlying related criminal
18 action, Case No. CR-14-00272-PHX-SPL; and

19 6. That the Clerk of Court shall enter judgment accordingly and **terminate** this
20 action.

21 Dated this 31st day of October, 2016.

22 
23 Honorable Steven P. Logan
24 United States District Judge
25
26
27
28