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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Steven Houston Grant,

10 Movant/Defendant,

11 v.

12 USA,

13 Respondent/Plaintiff.
14

CV-16-02057-PHX-JAT
CR-06-00526-PHX-JAT

ORDER

15 Pending before the Court is the Report and Recommendation (R&R) of the
16 Magistrate Judge recommending that the Motion to Vacate, Set Aside or Correct
17 Sentence pending in this case be denied. Neither party has filed objections to the R&R.

18 Because neither party has objected, the Court hereby accepts the R&R. *See*
19 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to
20 conduct “any review at all . . . of any issue that is not the subject of an objection”
21 (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
22 (*en banc*) (“statute makes it clear that the district judge must review the magistrate
23 judge’s findings and recommendations de novo *if objection is made*, but not otherwise”
24 (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.
25 Ariz. 2003).

26 Based on the foregoing,

27 **IT IS ORDERED** that the Motion to Lift the Stay (Doc. 19) is granted.

28 **IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. 22) is

1 accepted, the Motion (Doc. 1) is denied, with prejudice, and the Clerk of the Court shall
2 enter judgment accordingly.

3 **IT IS FINALLY ORDERED** that a Certificate of Appealability and leave to
4 proceed in forma pauperis on appeal are denied because Movant has not made a
5 substantial showing of the denial of a constitutional right.

6 Dated this 10th day of September, 2018.

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