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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Stephen Ross Raboy,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.  
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CV-16-02106-PHX-JAT  
CR-09-00678-PHX-JAT

**ORDER**

15 Pending before the Court is Movant's Successive Motion to Vacate, Set Aside or  
16 Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10). The Magistrate Judge issued a  
17 Report and Recommendation (R&R) (Doc. 23) recommending that the Motion be denied.

18 Neither party has filed objections to the R&R. Accordingly, the Court hereby  
19 accepts the R&R. See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts  
20 are not required to conduct "any review at all . . . of any issue that is not the subject of an  
21 objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.  
22 2003) (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. Ariz.  
25 2003).

26 Accordingly,


27 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.  
28 23) is accepted and adopted;

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**IT IS FURTHER ORDERED** that Movant’s Successive Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 10) is denied and dismissed with prejudice; the Clerk of the Court shall enter judgment accordingly.

**IT IS FINALLY ORDERED** that a Certificate of Appealability and leave to proceed in forma pauperis on appeal are denied because jurists of reason would not find this Court’s procedural ruling debatable.

Dated this 7th day of February, 2020.



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James A. Teilborg  
Senior United States District Judge