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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
  
Plaintiff/Respondent,  
  
v.  
  
Domingo Agustin-Simon,  
  
Defendant/Movant.

No. CV16-2715 PHX DGC (ESW)  
CR11-1622-005 PHX DGC

**ORDER**

Defendant Domingo Agustin-Simon has filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255. Doc. 1. United States Magistrate Judge Eileen S. Willett has issued a report and recommendation (“R&R”) recommending that the motion be denied. Doc.18. 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 deny the motion.

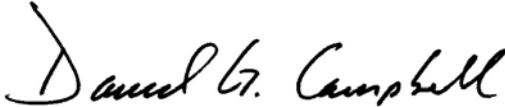
**IT IS ORDERED:**

1. The R&R (Doc. 18) is **accepted**.
2. The motion to vacate sentence (Doc. 1) is **denied**.
3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

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

Dated this 7th day of November, 2017.



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David G. Campbell  
United States District Judge