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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Robert Kenneth Deatherage,

No. CV-17-01587-PHX-GMS

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Petitioner,

**ORDER**

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v.

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USA,

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Respondent.

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Pending before the Court are Petitioner's Motion to Vacate, Set Aside or Correct Sentence (2255) and United States Magistrate Judge John Z. Boyle's Report and Recommendation ("R&R"). Docs. 1, 16. The R&R recommends that the Court deny the motion. Doc. 16 at 10. 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 11 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72); *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 objected to."). The Court will accept the R&R and deny the motion. *See* 28 U.S.C.

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

5 **IT IS ORDERED:**

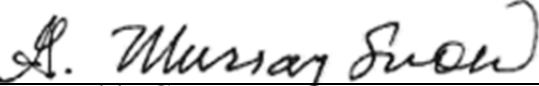
6 1. Magistrate Judge Boyle’s R&R (Doc. 16) is **ACCEPTED**.

7 2. Petitioner’s Motion to Vacate, Set Aside or Correct Sentence (Doc. 1) is  
8 **DENIED**.

9 3. The Clerk of Court shall **TERMINATE** this action.

10 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the  
11 event Movant files an appeal, the Court declines to issue a certificate of appealability  
12 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
13 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

14 Dated this 26th day of June, 2018.

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17 Honorable G. Murray Snow  
18 United States District Judge  
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