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

United States of America,
Plaintiff/Respondent,
v.
Phillip Gomez,
Defendant/Movant.

No. CV-17-02091-PHX-SRB
CR09-01247-PHX-SRB
ORDER

Movant, Phillip Gomez, filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 on June 29, 2017. The United States filed its response in opposition on October 31, 2017. Movant filed a reply on December 21, 2017.

The Magistrate Judge filed her Report and Recommendation on May 7, 2018 recommending that Movant's Motion to Vacate, Set Aside, or Correct Sentence be denied. In the Report and Recommendation, the Magistrate Judge advised the parties that they had fourteen days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

The Court finds itself in agreement with the Report and Recommendation of the

1 Magistrate Judge.


2 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
3 Judge as the Order of this Court. (Doc. 11)
4

5 **IT IS FURTHER ORDERED** denying Movant's Motion to Vacate, Set Aside or
6 Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255. (Doc. 1)
7

8 **IT IS FURTHER ORDERED** denying a Certificate of Appealability and leave to
9 proceed in forma pauperis on appeal because dismissal of the Motion is justified by a
10 plain procedural bar and reasonable jurists would not find the procedural ruling
11 debatable.
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13 **IT IS FURTHER ORDERED** directing the Clerk to enter judgment accordingly.
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15 Dated this 19th day of June, 2018.
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Susan R. Bolton
United States District Judge