

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff/Respondent,

vs.

Don Milton Burns,

Defendant/Movant.

No. CV17-4020 PHX DGC (DMF)
CR15-1492 PHX DGC

ORDER

Defendant/Movant Don Milton Burns has filed a motion to vacate sentence pursuant to 28 U.S.C. § 2255. Doc. 1. United States Magistrate Judge Deborah M. Fine has issued a report and recommendation (“R&R”) recommending that the motion be denied and dismissed with prejudice. Doc. 17. 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, deny the motion and dismiss it with prejudice.

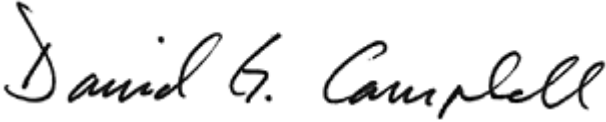
IT IS ORDERED:

1. The R&R (Doc. 17) is **accepted**.
2. The motion to vacate sentence (Doc. 1) is **denied and dismissed with prejudice**.
3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Dated this 29th day of November, 2018.



David G. Campbell
Senior United States District Judge