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

Marco A Verdugo,

Petitioner,

v.

Attorney General of the State of Arizona, et  
al.,

Respondents.

No. CV-18-01243-PHX-RM (JR)

**ORDER**

On June 23, 2020, Magistrate Judge Jacqueline Rateau issued a Report and Recommendation (Doc. 19) recommending that this Court deny Petitioner’s Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Doc. 1) and Amended Petition (Doc. 9).<sup>1</sup> No objections to the Report and Recommendation were filed.

A district judge must “make a de novo determination of those portions” of a magistrate judge’s “report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1). The advisory committee’s notes to Rule 72(b) of the Federal Rules of Civil Procedure state that, “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation” of a magistrate judge. Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition. See also *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made, the

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<sup>1</sup> Although an amended pleading typically supersedes the original pleading, the Report and Recommendation considers the claims raised in both the Petition and the Amended Petition because the Amended Petition—which was filed without objection from Respondents—appears to supplement rather than displace the original Petition.

1 district court judge reviews those unobjected portions for clear error.”); Prior v. Ryan,  
2 CV 10-225-TUC-RCC, 2012 WL 1344286, at \*1 (D. Ariz. Apr. 18, 2012) (reviewing for  
3 clear error unobjected-to portions of Report and Recommendation).

4 The Court has reviewed Magistrate Judge Rateau’s Report and Recommendation,  
5 the parties’ briefs, and the record. The Court finds no error in Magistrate Judge Rateau’s  
6 Report and Recommendation.

7 Accordingly,


8 **IT IS ORDERED** that the Report and Recommendation (Doc. 19) is **accepted**  
9 **and adopted in full.**

10 **IT IS FURTHER ORDERED** that the Petition Under 28 U.S.C. § 2254 for a  
11 Writ of Habeas Corpus (Doc. 1) and Amended Petition (Doc. 9) are **denied**. The Clerk of  
12 Court is directed to enter judgment accordingly and close this case.

13 **IT IS FURTHER ORDERED** that, pursuant to Rule 11 of the Rules Governing  
14 Section 2254 Cases, the Court declines to issue a certificate of appealability, because  
15 reasonable jurists would not find the Court’s ruling debatable. See Slack v. McDaniel,  
16 529 U.S. 473, 478, 484 (2000).

17 Dated this 15th day of October, 2020.

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Honorable Rosemary Márquez  
United States District Judge