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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Silvester Ruelas,

10 Movant,

11 v.

12 United States of America,

13 Respondent.
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No. CV-20-00372-PHX-JAT (JZB)
No. CR-17-00317-001-PHX-JAT

ORDER

15 Pending before the Court is Movant's Motion to Vacate, Set Aside or Correct
16 Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) as amended (Doc. 5). The Magistrate
17 Judge issued a Report and Recommendation (R&R) (Doc. 13) recommending that the
18 Motion be denied.

19 Neither party has filed objections to the R&R and the time to object has run.
20 Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149
21 (1985) (finding that district courts are not required to conduct "any review at all . . . of any
22 issue that is not the subject of an objection" (emphasis added)); *United States v. Reyna-*
23 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the
24 district judge must review the magistrate judge's findings and recommendations *de novo*
25 *if objection is made*, but not otherwise" (emphasis in original)); *see also Schmidt v.*
26 *Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

27 Thus,

28 **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.

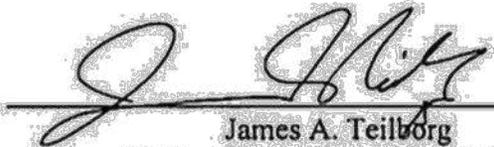
1 13) is accepted;

2 **IT IS FURTHER ORDERED** that Movant’s Motion to Vacate, Set Aside or
3 Correct Sentence pursuant to 28 U.S.C. § 2255 is denied and dismissed with prejudice; and
4 the Clerk of the Court shall enter judgment accordingly.

5 **IT IS FINALLY ORDERED** that a Certificate of Appealability and leave to
6 proceed in forma pauperis on appeal are denied because Movant has not made a substantial
7 showing of the denial of a constitutional right. (*See* Doc. 13 at 8).

8 Dated this 26th day of April, 2021.

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James A. Teilborg
Senior United States District Judge