

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**

Christy Viola Beltran,
Petitioner,
v.
USA,
Respondent.

No. CV-15-08093-PCT-GMS
No. CR-13-08067-PCT-GMS

ORDER

Pending before the Court are Petitioner’s Motion to Vacate, Set Aside or Correct Sentence and United States Magistrate Judge John Z. Boyle’s Report and Recommendation (“R&R”). Docs. 1, 10. The R&R recommends that the Court deny the Petition. Doc. 10 at 5. 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 5 (citing Fed. R. Civ. P. 6, 72; *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

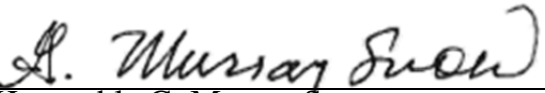
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection.”); 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 has nonetheless reviewed the R&R and finds that it is well-taken. The Court will accept the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)

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

5 **IT IS ORDERED:**

- 6 1. Magistrate Judge Boyle’s R&R (Doc. 10) 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 and enter judgment
10 accordingly.
- 11 4. Pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, in the
12 event Movant files an appeal, the Court declines to issue a certificate of appealability
13 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*
14 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

15 Dated this 26th day of February, 2016.

16 
17 _____
18 Honorable G. Murray Snow
19 United States District Judge
20
21
22
23
24
25
26
27
28