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

Victor Bigman,
Movant/Defendant,
v.
USA,
Respondent/Plaintiff.

No. CV-16-8122-PCT-JAT
CR-11-8156-PCT-JAT

ORDER

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

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

Accordingly,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 13) is ACCEPTED and ADOPTED;

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IT IS FURTHER ORDERED that Movant’s Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) is **DENIED WITH PREJUDICE**; and the Clerk of the Court shall enter judgment accordingly.

IT IS FINALLY ORDERED that a Certificate of Appealability and leave to proceed in forma pauperis on appeal are denied because jurists of reason would not find the Court’s procedural decision debatable or wrong.

Dated this 10th day of May, 2017.

