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

Kendrick Talbert Sloan,
Movant/Defendant,
v.
United States of America,
Respondent/Plaintiff.

No. CV-19-08182-PCT-DLR
No. CR-13-08198-PCT-DLR

ORDER

Before the Court is United States Magistrate Judge Michelle H. Burns’ Report and Recommendation (“R&R”) (Doc. 24), which recommends that Movant’s second amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2255 be denied and dismissed with prejudice and that a Certificate of Appealability and leave to proceed in forma pauperis on appeal be denied. 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. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Neither party filed 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.”). “Unless this court has definite and firm conviction that the [Magistrate Judge] committed a clear error of judgment, [this court]

1 will not disturb [the] decision.” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir.
2 1990) (citation omitted).

3 The Court has nonetheless independently reviewed the R&R and finds that it is well-
4 taken. The Court therefore will accept the R&R in its entirety. *See* 28 U.S.C. § 636(b)(1)
5 (stating that the district court “may accept, reject, or modify, in whole or in part, the
6 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The
7 district judge may accept, reject, or modify the recommended disposition; receive further
8 evidence; or return the matter to the magistrate judge with instructions.”).

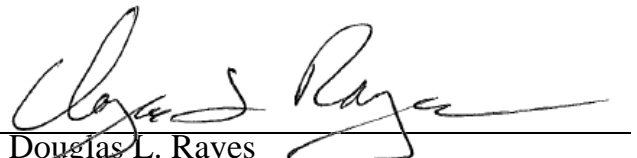
9 **IT IS ORDERED** that Magistrate Judge Burns’ R&R (Doc. 24) is **ACCEPTED**.

10 **IT IS FURTHER ORDERED** that Movant’s second amended petition for writ of
11 habeas corpus pursuant to 28 U.S.C. § 2255 (Doc. 7) is **DENIED and DISMISSED**
12 **WITH PREJUDICE**.

13 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
14 proceed in forma pauperis on appeal is denied.

15 **IT IS FURTHER ORDERED** that the Clerk of Court is directed to enter judgment
16 and terminate the case.

17 Dated this 19th day of November, 2020.

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22 Douglas L. Rayes
23 United States District Judge
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