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

Shane X. Littles,

 Petitioner,

v.

United States of America,

 Respondent.

No. CV-15-00337-TUC-CKJ

ORDER

On, May 9, 2017, Magistrate Judge Bruce G. Macdonald issued a Report and Recommendation (Doc. 15) in which he recommended Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1) should be dismissed. The Report and Recommendation notified the parties they had 14 days from the date of the Report and Recommendation to file any objections. No objections have been filed.

The standard of review that is applied to a magistrate judge’s report and recommendation is dependent upon whether a party files objections – the Court need not review portions of a report to which a party does not object. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). However, the Court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the

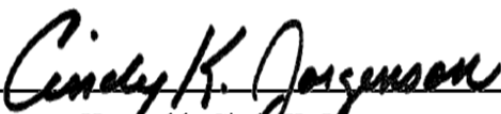
1 matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b)(3); *see also* 28
2 U.S.C. § 636(b)(1). Nonetheless, “while the statute does not require the judge to review
3 an issue de novo if no objections are filed, it does not preclude further review by the
4 district judge, sua sponte or at the request of a party, under a de novo or any other
5 standard.” *Thomas*, 474 U.S. at 154.

6 The Court has reviewed and considered the pending petition (Doc. 1), the response
7 (Doc. 9), and the Report and Recommendation (Doc. 12). The Court agrees with the
8 Magistrate Judge’s conclusion that because Petitioner has been released, the instant case
9 is moot and should be dismissed.

10 Accordingly, after an independent review, IT IS ORDERED:

- 11 1. The Report and Recommendation (Doc. 15) is ADOPTED.
- 12 2. Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence by a Person in
13 Federal Custody (Doc. 1) is DISMISSED.
- 14 3. The Clerk of Court shall enter judgement accordingly and close the case file in this
15 matter.

16 Dated this 13th day of June, 2017.

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19 _____
20 Honorable Cindy K. Jorgenson
21 United States District Judge
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