

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Michael Lynn Hill v. Ryan Thornell, et al.

Hill v. Thornell · No. CV-25-00200-PHX-SHD · Decided February 23, 2026

SUMMARY

The United States District Court for the District of Arizona adopted the Magistrate Judge’s Report and Recommendation and dismissed Michael Lynn Hill’s amended habeas corpus petition with prejudice as untimely. The court also denied a certificate of appealability and leave to proceed in forma pauperis if Hill appeals.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Sharad H. Desai
JURISDICTION	United States District Court for the District of Arizona
DECIDED	February 23, 2026
DOCKET	CV-25-00200-PHX-SHD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Review of a Magistrate Judge's Report and Recommendation recommending dismissal with prejudice of an amended petition for writ of habeas corpus as untimely; no party filed objections.
STANDARD OF REVIEW	When objections are made to a magistrate judge's report and recommendation, the district judge reviews the objected-to portions de novo; absent objections, de novo review is not required and the district court need not conduct any review of issues not objected to.
PRECEDENTIAL VALUE	unknown
PARTIES	Michael Lynn Hill v. Ryan Thornell, et al.

TOPICS

- federal habeas corpus
- statute of limitations
- standard of review
- appellate procedure
- post-conviction relief

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- civil procedure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the District Court should accept the Magistrate Judge's Report and Recommendation when neither party filed objections.
2. Whether the Amended Petition for Writ of Habeas Corpus should be dismissed with prejudice as untimely.
3. Whether to issue a certificate of appealability or grant leave to proceed in forma pauperis after dismissal on a plain procedural bar.

HOLDINGS

1. Because neither party objected to the Report and Recommendation, the District Court was not required to conduct de novo review and accepted the Report and Recommendation.
2. The Court accepted the Magistrate Judge's recommendation and dismissed the Amended Petition for Writ of Habeas Corpus with prejudice as untimely.
3. The Court denied issuance of a certificate of appealability and leave to proceed in forma pauperis because the dismissal rested on a plain procedural bar and reasonable jurists would not find the procedural ruling debatable.

KEY QUOTATIONS

"It is "clear that the district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise."" (at 1)

"District courts are not required to conduct "any review at all . . . of any issue that is not the subject of an objection."" (at 1)

FACTUAL BACKGROUND

The opinion concerns Petitioner's Amended Petition for Writ of Habeas Corpus. The Magistrate Judge recommended dismissal with prejudice because the petition was untimely. Petitioner received an extension of time to object to the Report and Recommendation, but neither party filed objections before the extended deadline.

PROCEDURAL HISTORY

Petitioner filed an Amended Petition for Writ of Habeas Corpus. The assigned Magistrate Judge recommended dismissal with prejudice as untimely. After granting Petitioner an extension of time to object, the District Court noted that neither party objected, accepted the Report and Recommendation, dismissed the Amended Petition with prejudice, directed entry of judgment, and denied a certificate of appealability and leave to proceed in forma pauperis.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
- Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt., 589 F.3d 1027, 1032 (9th Cir. 2009)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Michael Lynn Hill, No. CV-25-00200-PHX-SHD 10 Petitioner, ORDER 11 v. 12
Ryan Thornell, et al., 13 Respondents. 14 15 Pending before the Court is Petitioner's Amended
Petition for Writ of Habeas 16 Corpus. (Doc. 7.)

The Magistrate Judge to whom this case was assigned issued a Report 17 and Recommendation
("R&R") recommending that the Amended Petition be dismissed 18 with prejudice as untimely.
(Doc. 13). On December 9, 2025, Petitioner filed a motion to 19 extend time to file object to the
R&R, (Doc. 14), which the Court granted, extending the 20 deadline until January 23, 2026.

(Doc. 15.) Neither party has objected to the R&R and the 21 time for filing objections has run. 22
This Court "may accept, reject, or modify, in whole or in part, the findings or 23 recommendations
made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that 24 the district judge must
review the magistrate judge's findings and recommendations de 25 novo if objection is made, but
not otherwise." United States v. Reyna-Tapia, 328 F.3d 1114, 26 1121 (9th Cir.

2003) (en banc) (emphasis in original); Schmidt v. Johnstone, 263 F.Supp.2d 27 1219, 1226 (D.
Ariz. 2003) ("Following Reyna-Tapia, this Court concludes that de novo 28 review of factual and
legal issues is required if objections are made, 'but not 1 || otherwise.'"); Klamath Siskiyou
Wildlands Ctr. v. U.S. Bureau of Land Mgmt., 589 F.3d 2|| 1027, 1032 (9th Cir.

2009) (the district court "must review de novo the portions of the 3|| [Magistrate Judge's]
recommendations to which the parties object."). District courts are not required to conduct "any
review at all... of any issue that is not the subject of an 5 || objection." Thomas v. Arn, 474 U.S.
140, 149 (1985) (emphasis added); see also 28 U.S.C. 6|| § 636(b)(1) ("[T]he court shall make a de
novo determination of those portions of the || [report and recommendation] to which objection is
made."").

8 There being no objections, 9 IT IS ORDERED that the R&R (Doc. 13) is accepted. 10 IT IS
FURTHER ORDERED that the Amended Petition in this case is dismissed 11 || with prejudice,
and the Clerk of the Court shall enter judgment accordingly. 12 IT IS FINALLY ORDERED that
pursuant to Rule 11 of the Rules Governing 13 || Section 2254 Cases, in the event Petitioner files
an appeal, the Court denies issuance of a 14|| certificate of appealability and leave to proceed in

forma pauperis because dismissal of the 15 || Amended Petition is based on a plain procedural bar and jurists of reason would not find 16]] this Court's procedural ruling debatable.

See Slack v. McDaniel, 529 U.S. 473, 484 (2000). 17 Dated this 23rd day of February, 2026. 18 19 / 20 2 / 21) x 22 H le Sharad H. Desai 23 United States District Judge 24 25 26 27 28 -2-