

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.

OPINION

Thornell

PER CURIAM.

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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-