

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)

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