

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

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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-