

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Lake Cespedes Michel v. Luis Rosa, Jr., et al.

No. CV-26-00105-PHX-DWL, United States District Court for the District of Arizona (March 25, 2026)

SUMMARY

The United States District Court for the District of Arizona adopts a magistrate judge’s Report and Recommendation concerning a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court denies and dismisses the petition as moot, apparently because the petitioner was removed from the United States, and directs the Clerk to enter judgment.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 25, 2026
DOCKET	CV-26-00105-PHX-DWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a magistrate judge's Report and Recommendation recommending denial and dismissal as moot. No objections were filed before the objection deadline expired.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, de novo review of the magistrate judge's factual or legal conclusions is not required.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Lake Cespedes Michel v. Luis Rosa, Jr., et al.

TOPICS

- federal habeas corpus
- removal proceedings
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- immigration

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no objections were filed.
2. Whether the § 2241 petition should be denied and dismissed as moot.

HOLDINGS

1. When no party objects to a magistrate judge's findings and recommendations within the prescribed period, the district court is not required to conduct de novo review and may adopt the Report and Recommendation.
2. The petition was denied and dismissed as moot.

KEY QUOTATIONS

“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects.” (at 1)

“IT IS ORDERED that the R&R’s recommended disposition (Doc. 20) is accepted, that the petition (Doc. 1) is denied and dismissed as moot, and that the Clerk of Court shall enter judgment accordingly.” (at 2)

FACTUAL BACKGROUND

Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court noted that Petitioner appeared to have been removed from the United States after filing the petition, and the R&R recommended dismissal as moot.

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition. The magistrate judge issued an R&R on March 6, 2026, recommending that the petition be denied and dismissed as moot. After no objections were filed, the district court adopted the R&R, denied and dismissed the petition as moot, and directed the Clerk to enter judgment.

DISPOSITION

dismissed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)
- Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Lake Cespedes Michel, No. CV-26-00105-PHX-DWL 10 Petitioner, ORDER 11 v.
12 Luis Rosa, Jr., et al., 13 Respondents. 14 15 Pending before the Court are Petitioner’s pro se

Petition for Writ of Habeas Corpus 16 Pursuant to 28 U.S.C. § 2241 (Doc. 1) and the Report and Recommendation (“R&R”) of 17 the United States Magistrate Judge (Doc.

20). The R&R, which was issued on March 6, 18 2026, recommends that the petition be denied and dismissed as moot and further provides 19 that “[t]he parties shall have 14 days from the date of service of a copy of this 20 recommendation within which to file specific written objections with the Court.” (Doc. 20 21 at 5.) 22 Here, no such objections have been filed¹ and the 14-day deadline has expired.

23 Thus, the Court adopts the R&R. See, e.g., *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) 24 (“It does not appear that Congress intended to require district court review of a magistrate’s 25 factual or legal conclusions, under a de novo or any other standard, when neither party 26 objects to those findings.”); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.

Ariz. 27 1 Presumably, this is because Petitioner appears to have been removed from the 28 United States after filing the petition, as discussed in the R&R and has reflected in the most recent notice of undeliverable mail (Doc. 21). 1 || 2003) (“[N]o review is required of a magistrate judge’s report and recommendation unless 2|| objections are filed.”). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th 3|| Cir.

2003) (“[T]he district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.”). 5 Accordingly, 6 IT IS ORDERED that the R&R’s recommended disposition (Doc. 20) is accepted, || that the petition (Doc. 1) is denied and dismissed as moot, and that the Clerk of Court 8 || shall enter judgment accordingly.

9 Dated this 25th day of March, 2026. 10 11 om ee Dominic W. Lanza 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -2-