

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.

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-

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