

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Paul Godoy v. Jason Gunther

Godoy · No. CV-25-01203-PHX-JJT · Decided December 8, 2025

OPINION

Godoy

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Paul Godoy, No. CV-25-01203-PHX-JJT 10 Petitioner, ORDER 11 v. 12 Jason Gunther, 13
Respondent. 14 15 At issue is the Report and Recommendation (Doc. 12, “R&R”) entered by
United 16 States Magistrate Judge Eileen S. Willett recommending that the Court dismiss, without
17 prejudice, Mr. Godoy’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 18
(Doc. 1). In the R&R, Judge Willett advised the parties they had fourteen days from the 19 date of
service of a copy of the R&R “within which to file specific written objections to 20 the Court,”
and that “[f]ailure to timely file objections to [the R&R] may may result in the 21 acceptance of
[the R&R] by the District Court without further review,” as provided in 22 United States v. Reyna-
Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). (Doc. 12 at 5.) It has 23 been 34 days since entry of
the R&R and no party has filed any objection. The District 24 Court is thus free to accept the
R&R and its analysis without further review. It nonetheless 25 reviews the issues raised in the
Petition on the merits. Upon doing so, it concludes, for the 26 reasons set forth in the R&R, that
Judge Willett is correct and it will deny and dismiss 27 without prejudice the Petition. 28 2 As
Judge Willett found in the R&R, Petitioner is not yet eligible for application of || any earned time
credits and therefore the Petition is not ripe. (R&R at 4.) And without 4|| ripeness, there is not yet
a case or controversy before the Court, which then lacks 5 || jurisdiction over the matter. 6 IT IS
THEREFORE ORDERED adopting in whole the R&R entered by Judge Willett (Doc. 12),
including its reasoning. 8 IT IS FURTHER ORDERED dismissing, without prejudice. the Petition
for Writ 9|| of Habeas Corpus pursuant to 28 U.S.C. § 2241 (Doc. 1) as unripe. Should Petitioner’s
10 || claim ripen and the Bureau of Prisons not act to apply any earned time credits such that he 11
|| would immediately be eligible for release upon application of such credits, he may file a || new
Petition in a new matter. 13 IT IS FURTHER ORDERED that the Clerk of Court shall enter
judgment accordingly and close this matter. 15 Dated this 8th day of December, 2025. CN 16
“wok: 17 wefehlee— Unifga StatesDistrict Judge 18 19 20 21 22 23 24 25 26 27 28 _2-