

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Andrew Settles v. B. Hudson, Warden

Settles · No. CV-24-00258-TUC-JAS (LCK) · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Arizona adopted a magistrate judge's Report and Recommendation after no objections were filed. The court denied Andrew Settles's 28 U.S.C. § 2241 petition, dismissed the case with prejudice, and directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 5, 2026
DOCKET	CV-24-00258-TUC-JAS (LCK)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation addressing petitioner's 28 U.S.C. § 2241 petition. No objections were filed before the deadline expired.
STANDARD OF REVIEW	The court reviewed the Report and Recommendation for clear error under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.
PRECEDENTIAL VALUE	Unknown
PARTIES	Andrew Settles v. B. Hudson, Warden

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no timely objections were filed and the recommendation was not clearly erroneous.

2. Whether the § 2241 petition should be denied and the case dismissed with prejudice.

HOLDINGS

1. When no objections or new evidence are filed within the applicable period, the district court may review the Report and Recommendation for clear error and adopt it when the recommendations are not clearly erroneous.
2. The § 2241 petition is denied, and the action is dismissed with prejudice.

FACTUAL BACKGROUND

Petitioner Andrew Settles filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. The opinion does not describe the underlying factual allegations or the specific relief sought. The district court reviewed the magistrate judge's recommendation after the objection period expired.

PROCEDURAL HISTORY

Magistrate Judge Kimmins issued a Report and Recommendation at Document 10. The district court found that the parties filed no objections, declined to consider objections or new evidence, adopted the recommendation, denied the § 2241 petition, dismissed the case with prejudice, and directed the Clerk to enter judgment and close the file.

DISPOSITION

dismissed

CASES CITED

- Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999)
- Conley v. Crabtree, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998)

OPINION

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF ARIZONA 3 4 Andrew Settles, No. CV-24-00258-TUC-JAS (LCK) 5 Petitioner, ORDER 6 Vv. 7 B. Hudson, Warden, 8 Respondent. 9 10 Pending before the Court is a Report and Recommendation issued by United States 11 || Magistrate Judge Kimmins. A review of the record reflects that the parties have not filed ☐ any objections to the Report and Recommendation and the time to file objections has 13 || expired.

As such, the Court will not consider any objections or new evidence. 14 The Court has reviewed the record and concludes that Magistrate Judge Kimmins' 15 || recommendations are not clearly erroneous. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; 16 || Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999); Conley v. Crabtree, 14 17||_ F. Supp. 2d 1203, 1204 (D.

Or. 1998). 18 Accordingly, IT IS HEREBY ORDERED as follows: 19 (1) Magistrate Judge Kimmins' Report and Recommendation (Doc. 10) is accepted and 20 adopted. 1 (2) The § 2241 Petition is denied and this case is dismissed with prejudice; the Clerk 22 of the Court shall enter judgment and close the file in this case. 23 Dated this 5th day of January, 2026. 24 26 Honorable James A. Soto 27 United States District Judge 28