

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Thomas Horton v. M. Gutierrez, Warden

Horton · No. CV-23-00198-TUC-JAS (EJM) · Decided January 12, 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 Thomas Horton’s 28 U.S.C. § 2241 petition, dismissed the case with prejudice, and directed the Clerk to enter judgment and close the file.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	James A. Soto
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 12, 2026
DOCKET	CV-23-00198-TUC-JAS (EJM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning Horton's petition for a writ of habeas corpus under 28 U.S.C. § 2241. No party filed objections before the objection period expired.
STANDARD OF REVIEW	Clear-error review of the magistrate judge's recommendations when no objections are filed.
PRECEDENTIAL VALUE	Unknown
PARTIES	Thomas Horton v. M. Gutierrez, Warden

TOPICS

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

PRACTICE AREAS

- Federal habeas corpus
- Post-conviction relief
- Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no objections or new evidence were timely filed.
2. Whether the § 2241 petition should be denied and the case dismissed with prejudice.

HOLDINGS

1. When no objections are filed within the applicable period, the district court may review the magistrate judge's recommendations for clear error and adopt recommendations that are not clearly erroneous.
2. The § 2241 petition is denied, and the case is dismissed with prejudice.

FACTUAL BACKGROUND

The opinion contains no substantive facts underlying Horton's habeas petition. The court's order addresses only the absence of objections to the magistrate judge's Report and Recommendation and the resulting disposition of the § 2241 petition.

PROCEDURAL HISTORY

United States Magistrate Judge Markovich issued a Report and Recommendation. After determining that no objections had been filed and that the time for objections had expired, the district court reviewed the recommendation for clear error, adopted it, 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 Thomas Horton, No. CV-23-00198-TUC-JAS (EJM) 5 Petitioner, ORDER 6 Vv. 7 M. Gutierrez, Warden, 8 Respondent. 9 10 Pending before the Court is a Report and Recommendation issued by United States 11 || Magistrate Judge Markovich. 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 15 || Markovich's recommendations are not clearly erroneous. See 28 U.S.C. § 636(b)(1); Fed. || R. Civ. P. 72; Johnson v. Zema Systems Corp., 170 F.3d 734, 739 (7th Cir. 1999); Conley 17 || v. Crabtree, 14 F. Supp. 2d 1203, 1204 (D.

Or. 1998). 18 Accordingly, IT IS HEREBY ORDERED as follows: 19 (1) Magistrate Judge Markovich's Report and Recommendation (Doc. 11) is accepted 20 and 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 12th day of January, 2026.

24 Honorable James A. Soto 27 United States District Judge 28