

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

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