

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Kelly K Hamilton v. Christopher Moody, et al.

Hamilton v. Moody · No. CV-24-03176-PHX-DWL · Decided March 16, 2026

SUMMARY

The United States District Court for the District of Arizona adopted a magistrate judge’s report and recommendation in a 28 U.S.C. § 2254 habeas action. The court overruled the petitioner’s objections, denied the habeas petition, denied a certificate of appealability and leave to proceed in forma pauperis on appeal, and directed the Clerk to enter judgment.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Dominic W. Lanza
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 16, 2026
DOCKET	CV-24-03176-PHX-DWL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed objections to a magistrate judge's report and recommendation recommending denial of a 28 U.S.C. § 2254 habeas petition. The district court conducted de novo review, overruled the objections, adopted the report and recommendation, denied the petition, and denied a certificate of appealability and leave to proceed in forma pauperis on appeal.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2)-(3), the district court conducts de novo review of the portions of a magistrate judge's report and recommendation to which a party makes a timely, specific objection. No review is required for portions to which no specific objection is made, and a general or nonspecific objection does not require de novo review.
PRECEDENTIAL VALUE	unpublished district court order; limited precedential value
PARTIES	Kelly K Hamilton v. Christopher Moody, et al.

TOPICS

federal habeas corpus

post-conviction relief

civil procedure

pleadings

PRACTICE AREAS

federal habeas corpus

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appellate procedure

QUESTIONS PRESENTED

1. What standard of review governs a district court's review of a magistrate judge's report and recommendation when timely objections are filed under 28 U.S.C. § 636(b)(1)?
2. Whether the magistrate judge's report and recommendation should be adopted and the petition for a writ of habeas corpus denied.
3. Whether Petitioner was entitled to a certificate of appealability or leave to proceed in forma pauperis on appeal.

HOLDINGS

1. The district court conducted de novo review of the report and recommendation and properly considered Petitioner's objections under 28 U.S.C. § 636(b)(1).
2. The report and recommendation was adopted, Petitioner's objections were overruled, and the § 2254 habeas petition was denied.
3. A certificate of appealability and leave to proceed in forma pauperis on appeal were denied because Petitioner had not made a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

"Here, the Court has performed a de novo review of the R&R and fully agrees with its analysis and conclusions."

"A judge of the court shall make a de novo determination of those portions of the [R&R] or specified proposed findings or recommendations to which objection is made."

FACTUAL BACKGROUND

Petitioner Kelly K Hamilton filed a state habeas petition under 28 U.S.C. § 2254 against Christopher Moody and other respondents. A magistrate judge recommended that the petition be denied. Petitioner objected to the recommendation, but the district court stated that it had conducted a de novo review and fully agreed with the report and recommendation's analysis and conclusions.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge Camille Bibles, who issued a report and recommendation on February 19, 2026, recommending that the habeas petition be denied. Petitioner filed objections, and Respondents filed a response. The district court reviewed the report and recommendation de novo, adopted it, overruled the objections, denied the petition, and ordered entry of judgment terminating the action.

DISPOSITION

dismissed

CASES CITED

- United States v. Ramos, 65 F.4th 427, 433-34 (9th Cir. 2023)
- Thomas v. Arn, 474 U.S. 140, 149-50 (1985)
- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Warling v. Ryan, 2013 WL 5276367, at *2 (D. Ariz. 2013)

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