

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PRECEDENTIAL VALUE	unpublished district court order; limited precedential value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

post-conviction relief

civil procedure

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)

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Kelly K Hamilton, No. CV-24-03176-PHX-DWL 10 Petitioner, ORDER 11 v. 12
Christopher Moody, et al., 13 Respondents. 14 15 This is a habeas corpus action under 28 U.S.C. §
2254.

On February 19, 2026, 16 Magistrate Judge Bibles issued a 12-page report and recommendation
("R&R") concluding 17 that Petitioner's habeas petition should be denied. (Doc. 15.) Afterward,
Petitioner filed 18 objections to the R&R (Doc. 16) and Respondents filed a response (Doc. 17).
19 Petitioner's objections implicate 28 U.S.C. § 636(b)(1), which provides that when, 20 as here, a
magistrate judge has issued an R&R regarding a dispositive matter and a party 21 has thereafter
filed timely written objections, "[a] judge of the court shall make a de novo 22 determination of
those portions of the [R&R] or specified proposed findings or 23 recommendations to which
objection is made.

A judge of the court may accept, reject, or 24 modify, in whole or in part, the findings or
recommendations made by the magistrate judge. 25 The judge may also receive further evidence
or recommit the matter to the magistrate judge 26 with instructions." 28 U.S.C. § 636(b)(1). See
also Fed. R. Civ. P. 72(b)(2)-(3).

As the 27 Ninth Circuit has explained, "[i]n providing for a de novo determination... Congress 28
intended to permit whatever reliance a district judge, in the exercise of sound judicial 1 discretion,
chose to place on a magistrate's proposed findings and recommendations.... 2 [D]istrict courts
conduct proper de novo review where they state they have done so, even 3 if the order fails to
specifically address a party's objections." United States v. Ramos, 65 4 F.4th 427, 433 (9th Cir.

2023) (cleaned up). See also *id.* at 434 ("[T]he district court ha[s] 5 no obligation to provide
individualized analysis of each objection."). Additionally, district 6 courts are not required to
review any portion of an R&R to which no specific objection has 7 been made. See, e.g., *Thomas*
v. Arn, 474 U.S. 140, 149-50 (1985) ("It does not appear 8 that Congress intended to require

district court review of a magistrate's factual or legal 9 conclusions, under a de novo or any other standard, when neither party objects to those 10 findings."); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.

2003) ("[T]he 11 district judge must review the magistrate judge's findings and recommendations de novo 12 if objection is made, but not otherwise."). Thus, district judges need not review an 13 objection to an R&R that is general and non-specific. See, e.g., *Warling v. Ryan*, 2013 WL 14 5276367, *2 (D. Ariz. 2013) ("Because de novo review of an entire R & R would defeat 15 the efficiencies intended by Congress, a general objection 'has the same effect as would a 16 failure to object.'") (citations omitted).

17 Here, the Court has performed a de novo review of the R&R and fully agrees with 18 its analysis and conclusions. 19 Accordingly, 20 IT IS ORDERED that: 21 1. The R&R (Doc. 15) is adopted. 22 2. Petitioner's objections (Doc. 16) are overruled. 23 3.

The petition (Doc. 1) is denied. 24 4. A certificate of appealability and leave to proceed in forma pauperis on 25 appeal are denied because Petitioner has not made a substantial showing of the denial of a 26 constitutional right. 27 ... 28 ... 1 5.

The Clerk shall enter judgment accordingly and terminate this action. 2 Dated this 16th day of March, 2026. 3 Dominic W. Lanza 6 United States District Judge 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 _3-