

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

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-