

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Evgenii Ivanov v. David R. Rivas, et al.

No. CV-25-04160-PHX-SHD (ASB) · No. No. CV-25-04160-PHX-SHD (ASB) · Decided March 23, 2026

SUMMARY

The United States District Court for the District of Arizona adopts a magistrate judge’s Report and Recommendation concerning Evgenii Ivanov’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court denies and dismisses the petition without prejudice and grants leave to amend within 30 days. The order also directs the Clerk to mail the petitioner the court-approved § 2241 petition form and includes that form and its filing instructions.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Sharad H. Desai
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 23, 2026
DOCKET	No. CV-25-04160-PHX-SHD (ASB)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241. After the assigned Magistrate Judge recommended denial and dismissal without prejudice with leave to amend, and no party filed objections, the District Court accepted the Report and Recommendation and denied and dismissed the Petition without prejudice.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, the district judge is not required to conduct de novo review and may accept, reject, or modify the recommendation.
PRECEDENTIAL VALUE	Unpublished, nonprecedential district-court order
PARTIES	Evgenii Ivanov v. David R. Rivas, et al.

TOPICS

- federal habeas corpus
- immigration detention
- pleadings
- motion to amend
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What standard of review applies to a magistrate judge's Report and Recommendation when no party files objections?
2. Whether the Report and Recommendation should be accepted and the § 2241 Petition denied and dismissed without prejudice with leave to amend.

HOLDINGS

1. When no objection is filed, the district court is not required to conduct de novo review of the magistrate judge's findings and recommendations.
2. The Report and Recommendation was accepted, and the Petition was denied and dismissed without prejudice, with leave to amend within thirty days.

KEY QUOTATIONS

“It is “clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise.”” (1)

“District courts are not required to conduct “any review at all... of any issue that is not the subject of an objection.”” (1)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying detention or habeas claims. Petitioner filed a petition under 28 U.S.C. § 2241, and the Magistrate Judge recommended that it be denied and dismissed without prejudice with leave to amend. The District Court resolved the matter based on the absence of objections to the Report and Recommendation.

PROCEDURAL HISTORY

The Petition for Writ of Habeas Corpus was referred to a Magistrate Judge, who issued a Report and Recommendation recommending denial and dismissal without prejudice with leave to amend within thirty days. The objection period expired without objections from either party. The District Court accepted the Report and Recommendation, denied and dismissed the Petition without prejudice, and granted leave to file an amended petition within thirty days.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Petitioner was granted thirty days from the date of the Order to file an amended petition on the court-approved form. The amended petition must include all claims and supporting allegations and may not incorporate any part of the original petition by reference. If no amended petition is filed, the Clerk is directed to enter a judgment of dismissal without prejudice without further notice.

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc)
- Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
- Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt., 589 F.3d 1027, 1032 (9th Cir. 2009)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)