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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Samuel Junior Leeper,)
)
 Petitioner,)
 vs.)
 Dora B. Schriro, et al.,)
 Respondents.)

No. CV-06-1521-PHX-PGR (JM)

ORDER

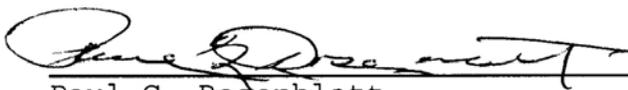
Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Marshall, filed September 5, 2008, notwithstanding that no party has filed any objection to the Report and Recommendation, the Court finds that the Magistrate Judge correctly concluded that this action must be dismissed as time-barred pursuant to 28 U.S.C. § 2244(d)(1) inasmuch as the petitioner filed it more than nine years after the expiration of the limitations period and the petitioner has not shown that any extraordinary circumstances exist that warrant the imposition of equitable tolling. Therefore,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (doc. #11) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the petitioner’s Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. § 2254 is denied and

1 that this action is dismissed with prejudice as time-barred. The Clerk of the Court
2 shall enter judgment accordingly.

3 DATED this 1st day of November, 2008.

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7 Paul G. Rosenblatt
8 United States District Judge
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