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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA  
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9 Mitchell Gentry, )  
10 Petitioner, )  
11 v. )  
12 Deputy Warden White, et al., )  
13 Respondents. )

CV 06-2040-PHX-PGR (CRP)

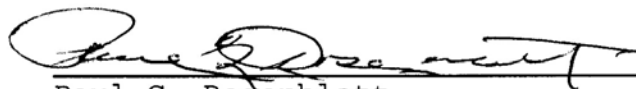
**ORDER**

14 The Court having reviewed *de novo* the Report and Recommendation of Magistrate  
15 Judge Pyle and no party having filed any objection to the Report and Recommendation,

16 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation  
17 (**Doc. 13**) is **ACCEPTED** and **ADOPTED** by the Court.<sup>1</sup>

18 IT IS FURTHER ORDERED that petitioner's Petition for Writ of Habeas Corpus  
19 (**Doc. 1**) is DENIED and DISMISSED with prejudice.

20 DATED this 10<sup>th</sup> day of December, 2008.

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23 Paul G. Rosenblatt  
United States District Judge  
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27 <sup>1</sup> The Magistrate Judge found that the Habeas Petition should be denied because (1)  
28 it was time barred and (2) contrary to the assertion of Petitioner, *Blakeley v. Washington*, 542  
U.S. 296 (2004) does not apply retroactively to his case.