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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jeffrey Gregory Lopez,

Petitioner,

vs.

Dora B. Schriro, et al.

Respondents.

) No. CV 06-2527-PHX-MHM

) **ORDER**

_____)
Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on October 23, 2006. On May 14, 2007 Respondents filed their Answer. Petitioner filed an Amended Reply on July 6, 2007. Respondents filed a Supplemental Response and Petitioner filed a Supplemental Reply. On December 30, 2008, the Magistrate Judge issued his Report and Recommendation.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 10 days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed. Failure to timely file objections to any factual or legal determination of the Magistrate Judge

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1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*
2 *United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

3 After a complete and independent review of the issues presented, the Court finds itself
4 in agreement with the Report and Recommendation of the Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court.

7 IT IS FURTHER ORDERED that Grounds 1(d) (ineffectiveness re drugs), 2(a) (due
8 process re drugs), and 2(b) (due process re intensive probation) of Petitioner's Petition for
9 Writ of Habeas Corpus, filed October 23, 2006 [doc. 1] is DENIED.

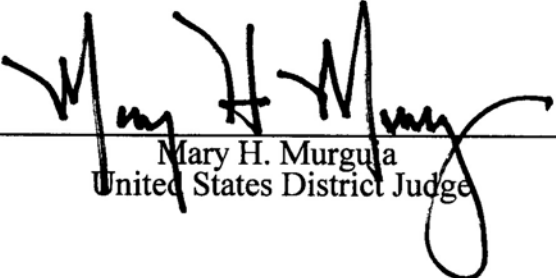
10 IT IS FURTHER ORDERED that as to Ground 1(c) (ineffectiveness re intensive
11 probation), Petitioner's Petition for Writ of Habeas Corpus, filed October 23, 2006 [doc. 1]
12 is GRANTED.

13 IT IS FURTHER ORDERED that Petitioner shall be released from all restraints as a
14 result of his probation violation, including community supervision, unless the State of
15 Arizona provides him with a rehearing on the revocation of his probation as a result of his
16 admission of his violation of probation.

17 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

18 DATED this 2nd day of February, 2009.

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Mary H. Murgula
United States District Judge