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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Eddie Bernard McCool,
Petitioner,
vs.
Dora B. Schriro, et al.
Respondents.

No. CV07-0300-PHX-SRB

ORDER

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on February 9, 2007. Respondents filed their answer to Petitioner’s Petition on July 27, 2007. No reply has been filed. On September 21, 2009, the Magistrate Judge issued his Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be dismissed.

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 expired and no objections to the Report and Recommendation have been filed.

The Court finds itself in agreement with the Report and Recommendation of the Magistrate Judge.

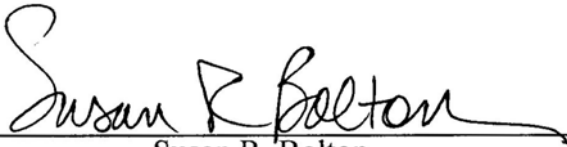
IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court. (doc. 16).

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IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed because his claims are procedurally defaulted.

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

DATED this 6th day of October, 2009.



Susan R. Bolton
United States District Judge