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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jean Yves Brezilien,
Petitioner,
vs.
Katrina Kane,
Defendant.

No. CV 07-779-PHX-EHC (JM)

ORDER

On November 25, 2008, Magistrate Judge Jacqueline Marshall issued a Report and Recommendation (“Recommendation”), regarding Respondent’s Motion to Dismiss. (Dkt. 12). In the Motion to Dismiss, Respondent argues that this case should be dismissed because the relief requested in the petition has been granted, rendering this case moot. (Dkt. 11.) Petitioner did not respond to Respondent’s motion. The Magistrate Judge recommends that this case be dismissed as moot. Petitioner did not file a Response or Objection to the Recommendation.

A district court judge reviews a report and recommendation of a magistrate judge *de novo*. See 28 U.S.C. § 636(b)(1)(c) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge”). The Court, having considered the Respondent’s Motion to Dismiss and the Magistrate

1 Judge's Recommendation, adopts the Recommendation and incorporates the same as part of
2 this Order.

3 Accordingly,

4 **IT IS ORDERED** adopting the Magistrate Judge's Report and Recommendation
5 (Dkt. 12).

6 **IT IS FURTHER ORDERED** that Respondent's Motion to Dismiss (Dkt. 11) is
7 **granted.**

8 **IT IS FURTHER ORDERED** that Petitioner's petition for writ of habeas corpus be
9 **dismissed** as moot and that the Clerk of the Court shall enter judgment accordingly and
10 terminate this action.

11 DATED this 9th day of December, 2008.

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15 Earl H. Carroll
16 United States District Judge
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