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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Stacy Anderson,

Petitioner,

vs.

Greg Fizer, et al.

Respondents.

) No. CV07-1237-PHX-SRB

) **ORDER**

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on August June 25, 2007 claiming eight grounds for relief. Respondents filed their answer to Petitioner's Petition for Writ of Habeas Corpus on October 22, 2007. On November 13, 2007 Petitioner filed a motion to voluntarily dismiss grounds one, two, three, six and seven with prejudice. The Court granted Petitioner's motion on December 4, 2007. Grounds four, five and eight were the only remaining grounds for relief. On August 18, 2008, the Magistrate Judge issued his Report and Recommendation recommending that the petition be denied and dismissed with prejudice.

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.

1 On August 29, 2008 Petitioner filed a Motion for Certificate of Appealability and a
2 Certificate of Notice for Appealability From 9th Circuit. On September 10, 2008, the Court
3 denied Petitioner's Motion for Certificate of Appealability and a Certificate of Notice for
4 Appealability From 9th Circuit as premature and gave Petitioner an additional 10 days to file
5 his objections to the Magistrate Judge's Report and Recommendation. The time to file such
6 objections has since expired and no objections to the Report and Recommendation have been
7 filed.

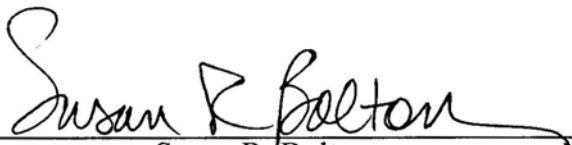
8 The Court finds itself in agreement with the Report and Recommendation of the
9 Magistrate Judge.

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

12 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied.

13 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.
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15 DATED this 29th day of September, 2008.

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19 _____
20 Susan R. Bolton
21 United States District Judge
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