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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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MICHAEL ANTHONY HATCHER,)

No. CV 07-1958-PHX-SMM (JM)

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Petitioner,)

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vs.)

MEMORANDUM OF DECISION AND ORDER

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DORA SCHRIRO, et.al.,)

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Respondent,)

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Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus filed under 28 U.S.C. 2254 (Doc. 1). The matter was referred to Magistrate Judge Jacqueline Marshall for Report and Recommendation (Doc. 2). On October 8, 2009 the Magistrate Judge filed a Report and Recommendation with this Court (Doc. 19). To date, no objections have been filed.

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STANDARD OF REVIEW

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The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have ten days from the service of a copy of the Magistrate's recommendation within which to file specific written objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of the Magistrate Judge’s factual findings and waives all objections to those findings on appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a Magistrate Judge’s conclusion “is

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1 a factor to be weighed in considering the propriety of finding waiver of an issue on appeal.”

2 Id.

3 **DISCUSSION**

4 Having reviewed the Report and Recommendation of the Magistrate Judge, and no
5 Objections having been made by any party thereto, the Court hereby incorporates and adopts
6 the Magistrate Judge’s Report and Recommendation.

7 **CONCLUSION**

8 For the reasons set forth,

9 **IT IS ORDERED** that the Court **ADOPTS** the Report and Recommendation of the
10 Magistrate Judge (Doc. 19).

11 **IT IS FURTHER ORDERED** that Petitioner’s Petition for Writ of Habeas Corpus
12 (Doc. 1) is **DENIED** and dismissed with prejudice, terminating this case.

13 DATED this 9th day of November, 2009.

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17 Stephen M. McNamee
18 United States District Judge
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