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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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10 Adam P. Cavazos,)
11 Petitioner,)
12 v.)
13 Dora B. Schiro, et al.,)
14 Respondents.)

CV 08-0246-PHX-PGR (LOA)

ORDER

15 Currently before the Court is the Report and Recommendation of Magistrate Judge
16 Anderson (Doc. 17) based on Petitioner’s Petition for Writ of Habeas Corpus (Doc.1) and
17 his Motion for a New Trial (Doc.11.) Having reviewed the Petition, Motion for a New Trial,
18 Report and Recommendation, and the Petitioner's Objections to the Report and
19 Recommendation, and in light of the Court’s finding that Petitioner’s Objections lack merit,

20 IT IS HEREBY ORDERED that the Magistrate Judge’s Report and Recommendation
21 **(Doc. 17)** is **ACCEPTED** and **ADOPTED** by the Court.

22 IT IS FURTHER ORDERED that Petitioner’s Petition for Writ of Habeas Corpus
23 **(Doc. 1)** is **DENIED** and **DISMISSED** with prejudice.

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1 IT IS FURTHER ORDERED that Petitioner's Motion for a New Trial (**Doc. 11.**) is
2 **DENIED.**¹

3 DATED this 30th day of March, 2009.
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7 Paul G. Rosenblatt
8 United States District Judge
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24 ¹ In addition to the substantive reasons for adopting the Report and
25 Recommendations, a "Motion for a New Trial" is not the proper vehicle for Petitioner to
26 challenge his state-court conviction and sentence in this Court. See 28 U.S.C. §§ 2254, 2241.
27 The aforementioned motion is also duplicative of the Petition for Writ of Habeas Corpus and
28 thus a denial is warranted on that basis as well.