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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Michael Rivera,

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No. CV-08-317-PHX-FJM

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Petitioner,

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ORDER

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vs.

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Dora Schriro, et al.,

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Respondents.

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The court has before it Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (doc. 1), Respondents' amended answer (doc. 29), petitioner's reply (doc. 32), and the Report and Recommendation of the United States Magistrate Judge (doc. 33). No objection to the Report and Recommendation was filed.

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After review, we accept the recommended decision of the United States Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. Therefore, **IT IS ORDERED DENYING** the Petition for Writ of Habeas Corpus (doc. 1).

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DATED this 27th day of April, 2009.

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Frederick J. Martone

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Frederick J. Martone
United States District Judge

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