Pesqueira v. Schriro et al Doc. 15

NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

| | |
|---|---|
| Ignacio C. Pesqueira,<br>Petitioner,<br>vs.<br>Dora B. Schriro, et al.<br>Respondents. | No. CV08-0431-PHX-SRB<br>**ORDER** |

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on March 4, 2008, claiming two grounds for relief. Petitioner claims that 1) he is being denied his "good time credits" in violation of his Fifth Amendment rights, and 2) the judge, not a jury, aggravated his sentence. Respondents filed their answer to Petitioner's Petition for Writ of Habeas Corpus on July 21, 2008. On August 11, 2008 Petitioner filed a motion entitled "Motion to Amend Petition," which is being construed as his reply. On September 14, 2008, the Magistrate Judge issued her Report and Recommendation recommending that the petition be denied and dismissed with prejudice.

In her 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. The time to file such objections has since expired and no objections to the Report and Recommendation have been filed.

Dockets.Justia.com

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

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

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

IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

DATED this 1st day of October, 2008.

Susan R. Bolton
United States District Judge