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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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MANUEL ROBLES COTA,

No. CV 08-568-PHX-SMM (MEA)

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Petitioner,

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vs.

MEMORANDUM OF DECISION AND ORDER

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DORA SCHRIRO and WARDEN BEZY,

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Respondents,

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Pending before the Court is Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The matter was referred to Magistrate Judge Mark E. Aspy for a Report and Recommendation (Doc. 2). On November 26, 2008 the Magistrate Judge filed a Report and Recommendation with this Court (Doc. 14). 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

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1 Magistrate Judge's conclusion "is a factor to be weighed in considering the propriety of
2 finding waiver of an issue on appeal." 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
6 adopts 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. 14).

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

13 DATED this 31st day of December, 2008.

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17 Stephen M. McNamee
18 United States District Judge
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