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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Nathaniel Hearn,

Petitioner,

vs.

Dora B. Schriro, et al.

Respondents.

) No. CV 08-848-PHX-MHM

) **ORDER**

_____)
Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on April 22, 2008. On August 4, 2008, Respondents filed their response to Petitioner’s Petition for Writ of Habeas Corpus. On January 12, 2009, Petitioner filed his reply. On January 26, 2009, the Magistrate Judge issued his Report and Recommendation recommending that the petition be dismissed.

In his 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 long since expired and no objections to the Report and Recommendation have been filed. Failure to timely file objections to any factual or legal determination of the Magistrate Judge

///

1 may be considered a waiver of a party's right to *de novo* consideration of the issues. *See*
2 *United States v. Reyna-Tapia* 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

3 After a complete and independent review of the issues presented, the Court finds itself
4 in agreement with the Report and Recommendation of the Magistrate Judge.

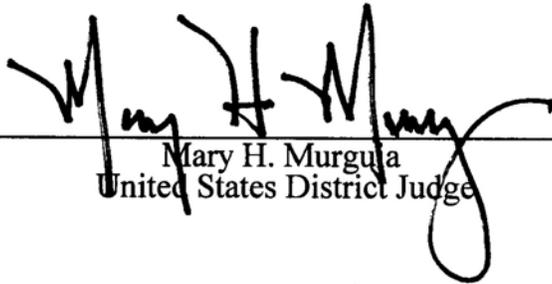
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court [doc. 19].

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed
8 with prejudice [doc. 1].

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

10 DATED this 17th day of March, 2009.

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Mary H. Murgula
United States District Judge