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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Robert Allen,)
9 Petitioner,)
10 v.)
11 Charles L. Ryan,¹ et al.,)
12 Respondents.)

CV 08-0932-PHX-PGR (DKD)

ORDER

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14 Currently before the Court is the Report and Recommendation of Magistrate Judge
15 Duncan (Doc. 18) based on Petitioner’s Petition for Writ of Habeas Corpus² filed pursuant
16 to 28 U.S.C. § 2254. Having reviewed *de novo* the Petition, the Report and Recommendation
17 of Magistrate Judge Duncan³, and no party having filed any objection to the Report and
18 Recommendation thereto,

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20 ¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Charles L. Ryan,
21 the Interim Director of the Arizona Department of Corrections, replaces Dora Schriro.

22 ² Petitioner raised four grounds for habeas relief:(1) ineffective assistance of counsel,
23 (2) involuntary guilty plea, (3) double jeopardy, (4) excessive bail and cruel and unusual
24 punishment. He has failed to establish that his guilty plea was involuntary, he asserts that
25 he “was indirectly abandoned by his appointed counsel as a result of counsel’s filing a notice
26 of no colorable claims”and he has wholly failed to establish the existence of double jeopardy.

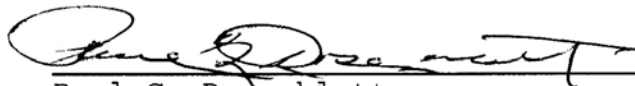
27 ³ The Court agrees that his pleadings were untimely. Moreover, assuming federal
28 courts have the authority to create equitable exceptions to jurisdictional time limitations,
Allen has not established that he is eligible therefor.

1 IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation
2 **(Doc. 18)** is **ACCEPTED** and **ADOPTED** by the Court.

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

5 IT IS FURTHER ORDERED that the Clerk of the Court shall close this case.

6 DATED this 8th day of September, 2009.

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10 Paul G. Rosenblatt
11 United States District Judge
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