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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Vernon Leroy Smith,
Petitioner,

vs.

Dora B. Schriro, et al.
Respondents.

) No. CV 08-978-PHX-MHM

) **ORDER**

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on May 30, 2008, claiming his sentence imposed was in violation of his constitutional rights. Respondents filed their response on November 14, 2008, and the Petitioner filed his reply on December 24, 2008. On March 31, 2009, the Magistrate Judge issued his Report and Recommendation recommending that the petition be denied.

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

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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.

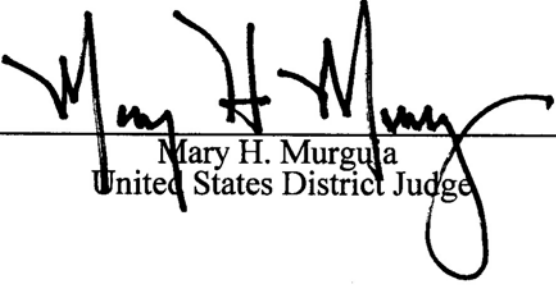
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court [doc. 14].

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

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

9 DATED this 20th day of May, 2009.

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Mary H. Murgula
United States District Judge