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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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|-------------------------|---|------------------------|
| Jerry Lee Cole, |) | No. CV 08-1179-PHX-MHM |
| Petitioner, |) | ORDER |
| vs. |) | |
| Dora B. Schriro, et al. |) | |
| Respondents. |) | |

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on September 15, 2008, claiming his sentence imposed was in violation of his constitutional rights. On December 9, 2008, Respondents filed their response to Petitioner’s Amended Petition for Writ of Habeas Corpus and Petitioner filed a reply on January 26, 2009. On March 19, 2009, 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 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.

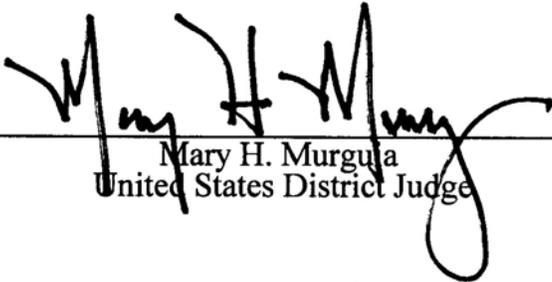
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court [doc. 19]

7 IT IS FURTHER ORDERED that the Amended Petition for Writ of Habeas Corpus
8 is denied and dismissed with prejudice.

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

10 DATED this 21st day of May, 2009.

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Mary H. Murgula
United States District Judge