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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Kenneth Craig Duncan,)	No. CV 08-1321 PHX-NVW (MEA)
)	
Petitioner,)	ORDER
)	
v.)	
)	
Dora Schriro and Arizona Attorney)	
General,)	
Respondents.)	
)	

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Aspey (Doc. # 30) regarding petitioner’s Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. # 10). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 21 (citing 28 U.S.C. § 636(b)). Petitioner filed objections on June 11, 2009. (Doc. # 31.)

The court has considered the objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The court agrees with the Magistrate Judge's determinations, accepts the recommended decision within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in

