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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Miguel Martinez-Amaya,

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No. CV-08-1378-PHX-FJM

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Plaintiff,

)

ORDER

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vs.

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United States of America,

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Defendant.

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We have before us plaintiff's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (doc. 1), defendant's response (doc. 7), and plaintiff's reply (doc. 16).

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We also have before us the report and recommendation of the United States Magistrate Judge recommending that plaintiff's motion be denied (doc. 17). Plaintiff has not objected to the report and recommendation and the time for doing so has expired.

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The court accepts the recommended decision of the Magistrate Judge pursuant to Rule 10, Rules Governing § 2255 Cases, and 28 U.S.C. § 636(b). Therefore, **IT IS ORDERED DENYING** the motion to vacate, set aside, or correct sentence (doc. 1).

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DATED this 29th day of December, 2009.

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Frederick J. Martone

Frederick J. Martone
United States District Judge

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