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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

David Mitchell,   )
)
            Petitioner,   )   No. CV-08-1463-PHX-PGR (DKD)
)
      vs.   )
)
Charles L. Ryan, et al.,   )   ORDER
)
            Respondents.   )
_____   )

      Having reviewed *de novo* the Report and Recommendation of Magistrate

Judge Duncan in light of Petitioner's Objections to Magistrate's Report and

Recommendations (Doc. 44), the Court finds that the petitioner's objections

should be overruled because the Magistrate Judge correctly concluded that all of

the grounds raised in the petitioner's habeas corpus petition fail on their merits.

Therefore,

      IT IS ORDERED that the Magistrate Judge's Report and Recommendation

(Doc. 33) is accepted and adopted by the Court.

      IT IS FURTHER ORDERED that the petitioner's Motion for Order Directing

Respondents to Allow Petitioner Access to the Prison Library, or, Alternatively,

Allow Petitioner to Borrow Legal Research Materials from the Library, or Show

Cause Why Petitioner Should Not be Granted the Relief Sought Herein (Doc. 29) and the petitioner's Motion for Expedient Disposition in "Motion for Order Directing Respondents to Allow Petitioner Access to the Prison Library, or, Alternatively, Allow Petitioner to Borrow Legal Research Materials from the Library, or Show Cause Why Petitioner Should Not be Granted the Relief Sought Herein" (Doc. 30) are both denied.

IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that this action is dismissed with prejudice.

IT IS FURTHER ORDERED that no certificate of appealability shall issue because the petitioner has not made a substantial showing of the denial of a constitutional right.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly.

DATED this 29th day of August, 2010.

Paul G. Rosenblatt
United States District Judge