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**NOT FOR PUBLICATION**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Rodolfo Romero,  
Petitioner,  
vs.  
Charles Ryan, et al.  
Respondents.

No. CV08-2020-PHX-SRB

**ORDER**

Petitioner, Rodolfo Romero,, filed his Petition for Writ of Habeas Corpus on November 3, 2008 raising two claims: 1) the trial court’s reduction of his first degree murder conviction to second degree murder was erroneous, and 2) the trial court violated his Sixth Amendment rights by aggravating his sentence based on facts not found by a jury. On May 12, 2009, Respondents filed their Response to the Petition for Writ of Habeas Corpus. No reply was filed.

The Magistrate Judge filed his Report and Recommendation on August 21, 2009 recommending that Petitioner’s Petition for Writ of Habeas Corpus be denied and dismissed with prejudice.

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

1 which to file specific written objections with the Court. On August 31, 2009 Petitioner filed  
2 his Objection of Recommendation wherein he restates his arguments from his petition.

3 After its *de novo* review, the Court finds itself in agreement with the Report and  
4 Recommendation of the Magistrate Judge.

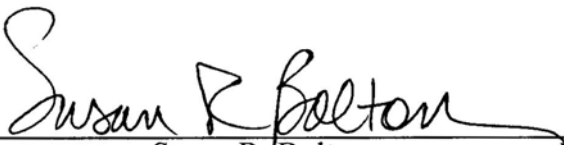
5 IT IS ORDERED overruling Petitioner's Objection of Recommendation.

6 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
7 as the order of this Court.

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

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

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12 DATED this 22<sup>nd</sup> day of September, 2009.

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17 Susan R. Bolton  
18 United States District Judge  
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