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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Reynaldo Palacios,)	No. CV 08-2053 PHX-NVW (JRI)
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Katrina Kane,)	
)	
Respondent.)	
)	


Before the Court is Petitioner’s Petition for Writ of Habeas Corpus (doc. #1). On February 26, 2009, United States Magistrate Judge Jay R. Irwin issued a Report and Recommendation (“R & R”) (doc. # 12) in accordance with 28 U.S.C. § 636(b)(1)(B). The R & R recommended that the petition be dismissed without prejudice for failure to prosecute. No objections were filed.

The court has reviewed the R & R and agrees with the magistrate judge's determinations. Accordingly, the court will accept the R & R and dismiss the Petition for Writ of Habeas Corpus. See 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge”).

IT IS THEREFORE ORDERED accepting the Report and Recommendation of Magistrate Judge Irwin (doc. #12).

1 IT IS FURTHER ORDERED that Clerk of the Court enter judgment dismissing
2 Petitioner's Petition for Writ of Habeas Corpus (doc. #1) without prejudice. The Clerk shall
3 terminate this action.

4 DATED this 17th day of March, 2009.

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Neil V. Wake
United States District Judge

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