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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Petr Mikhaylovich Meltser,

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No. CV 08-2126-PHX-MHM

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Petitioner,

)

**ORDER**

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vs.

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Katrina Kane,

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Respondent.

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Petitioner, Peter Mikhaylovich Meltser, filed his Petition for Writ of Habeas Corpus on November 18, 2008. February 27, 2006. On February 11, 2008, Respondent filed a Suggestion of Mootness in which she asserts that Petitioner was released under an Order of Supervision on December 31, 2008.

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The Magistrate Judge filed his Report and Recommendation on February 17, 2009 recommending that Petitioner's Petition for Writ of Habeas Corpus be dismissed without prejudice.

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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 which to file specific written objections with the Court. The time to file such objections has long since expired and no objections to the Report and Recommendation have been filed. The Court notes that the Petitioner's copy of the Report and Recommendation has been returned by the post-office with the notation "Bonded Out." Failure to timely file objections

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1 to any factual or legal determination of the Magistrate Judge may be considered a waiver of  
2 a party's right to *de novo* consideration of the issues. See *United States v. Reyna-Tapia* 328  
3 *F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (en banc)*.

4 After a complete and independent review of the issues presented, the Court finds itself  
5 in agreement with the Report and Recommendation of the Magistrate Judge.

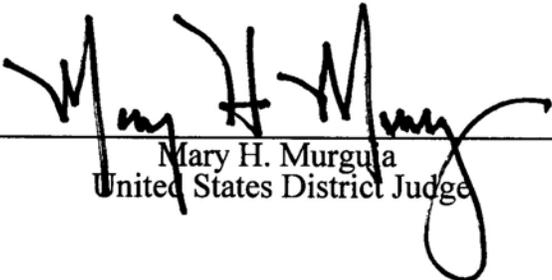
6 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
7 as the order of this Court [doc. 8].

8 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed  
9 without prejudice [doc. 1].

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

11 DATED this 17<sup>th</sup> day of March, 2009.

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Mary H. Murgula  
United States District Judge