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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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10 Anthony Leonard,)
 11 Petitioner,)
 12 v.))
 13 Charles L. Ryan, et al.,)
 14 Respondents.)

CV 08-2388-PHX-PGR (DKD)

ORDER

15 The Court having reviewed *de novo* the Report and Recommendation (Doc. 12) of
 16 Magistrate Judge Duncan and no party having filed any objection to the Report and
 17 Recommendation,

18 IT IS HEREBY ORDERED that the Magistrate Judge’s Report and Recommendation
 19 **(Doc. 14)** is **ACCEPTED** and **ADOPTED** by the Court.

20 IT IS FURTHER ORDERED that petitioner’s Petition for Writ of Habeas Corpus
 21 **(Doc. 1)** is **DISMISSED** without prejudice.¹

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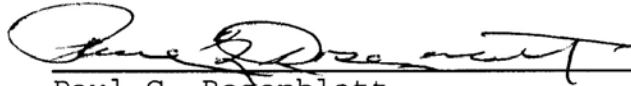
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27 ¹ Because Leonard’s post-conviction proceedings are still pending in Maricopa
 28 County Superior Court, his habeas petition is premature.

1 IT IS FURTHER ORDERED **DENYING** a Certificate of Appealability and leave to
2 proceed *in forma pauperis* on appeal because dismissal of the Petition is justified by a plain
3 procedural bar and jurists of reason would not find the procedural ruling debatable.

4 DATED this 6th day of April, 2010.

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7 Paul G. Rosenblatt
8 United States District Judge
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