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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	
)	
Plaintiff,)	
)	
v.)	CR 07-394-1 PHX SMM
)	
Ernesto Montoya-Sauceda,)	<u>ORDER</u>
)	
Defendant.)	
)	
_____)	

On 08/2/2007, Magistrate Judge David K. Duncan issued an Order styled "Findings and Recommendation of the Magistrate Judge Upon a Plea of Guilty." In the Order, Judge Duncan recommends to the District Court that this Judge accept the Defendant's plea of guilty, subject to the Court's acceptance of the Plea Agreement. The Court having reviewed this matter de novo, and no objections having been filed pursuant to 28 USC § 636(b)(1), finds that it will accept the Recommendation of Magistrate Judge Duncan.

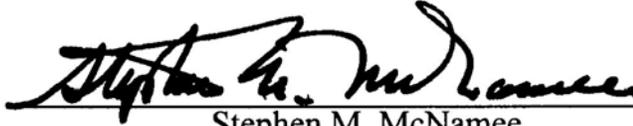
Accordingly,

IT IS HEREBY ORDERED accepting the Defendant's plea of guilty.

IT IS FURTHER ORDERED that the plea agreement will not be accepted or rejected at this time but the matter will be referred to the Probation Office for report and recommendation. In this connection, the Defendant may be interviewed by the Probation

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2 officer and the Court will inspect the presentence report for the purpose of determining
3 whether to accept or reject the plea agreement.
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6 DATED this 17th day of August, 2007.
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10 _____
11 Stephen M. McNamee
12 United States District Judge
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