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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Miguel A. Soto,

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No. CV-09-0326-PHX-FJM

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Petitioner,

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ORDER

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vs.

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Charles L. Ryan; Terry Goddard,

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Respondents.

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The court has before it petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1), respondents' answer (doc. 12), and the report and recommendation of the United States Magistrate Judge recommending that the petition be denied as untimely (doc. 13). Petitioner has not objected to the report and recommendation and the time for doing so has expired.

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The court accepts the recommended decision of the United States Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. Therefore, **IT IS ORDERED DENYING** the petition for writ of habeas corpus (doc. 1).

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DATED this 24th day of November, 2009.

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Frederick J. Martone

Frederick J. Martone
United States District Judge

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