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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Diana Maria Esquer,

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No. CV 09-425-PHX-JAT

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Petitioner,

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ORDER

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vs.

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Maricopa Superior Court; et al.,

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Respondents.

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Pending before the Court is Petitioner’s Amended Petition for Writ of Habeas Corpus (“Petition”) (Doc. #5). The Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. #12) recommending that the Petition be denied.

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Neither party has filed objections to the R&R. Accordingly, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct “any review at all . . . of any issue that is not the subject of an objection” (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) (“statute makes it clear that the district judge must review the magistrate judge’s findings and recommendations de novo if objection is made, but not otherwise” (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

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Accordingly,

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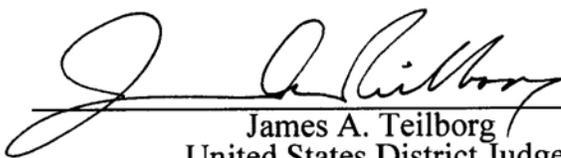
IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. #12) is **ACCEPTED**; accordingly,

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- Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. #5) is denied and dismissed with prejudice,
- in the event Petitioner files an appeal, issuance of a certificate of appealability is denied because denial of the petition is based on a plain procedural bar and jurists of reason would not find this Court’s procedural ruling debatable. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000),
- the Clerk of the Court shall enter judgment of dismissal with prejudice.

DATED this 2nd day of February, 2010.


James A. Teilborg
United States District Judge