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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Jeff Michael Welch,	)	No. CV 09-0706 PHX-NVW (LOA)
	)	
Petitioner,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Charles L. Ryan, et al.,	)	
	)	
Respondents.	)	

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Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Anderson (Doc. # 13) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. # 1). The R&R recommends that the Respondents’ Motion to Dismiss (Doc. # 11) be granted and that the Petition be dismissed without prejudice. The Magistrate Judge advised the parties that they had ten days to file objections to the R&R. (R&R at 4 (citing 28 U.S.C. § 636(b)). The court has also considered Petitioner’s late response, in which he raises no objection to the dismissal of this premature Petition. (Doc. # 14.) The court has also considered the Magistrate Judge’s Supplement to Report and Recommendation (doc. # 15), which requires no response, as it informs the court of the status of the filings and of Petitioner’s consent to dismissal without prejudice.

The court has reviewed the R&R and finds that it is well taken. The court will accept the R&R and dismiss the Petition without prejudice. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate”).

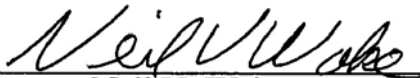
1 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
2 Judge (Doc. # 13) and the Supplement to Report and Recommendation (doc. # 15) are  
3 accepted.

4 IT IS FURTHER ORDERED that the Respondents' Motion to Dismiss (Doc. # 11)  
5 is granted.

6 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment dismissing  
7 petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. #  
8 1) without prejudice. The Clerk shall terminate this action.

9 DATED this 1<sup>st</sup> day of September, 2009.

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Neil V. Wake  
United States District Judge