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

Carlos Adrian Morley,)	No. CV-09-01554-PHX-NVW (LOA)
)	
Petitioner,)	ORDER
)	and
v.)	CERTIFICATE OF APPEALABILITY
)	AND IN FORMA PAUPERIS STATUS
)	
Yolanda Elliott, et al.,)	
)	
Respondents.)	

Pending before the Court is Magistrate Judge Lawrence O. Anderson’s Report and Recommendation (“R&R”) (Doc. 79) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1), and a second R&R (Doc. 76) regarding respondents’ motion to dismiss for lack of jurisdiction (Doc. 66). The first R&R recommends that the Petition be denied and dismissed with prejudice, and second R&R recommends granting the motion to dismiss. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R (Doc. 76 at 16 (citing 28 U.S.C. § 636(b); Doc. 79 at 38 (same))), and the Court later extended and consolidated the briefing time (Docs. 83, 85, 95). Petitioner filed objections on April 22, 2011. (Docs. 105, 106.)

The Court has considered the objections and reviewed both R&Rs de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court agrees with the Magistrate Judge’s determinations, accepts

1 both recommended decisions within the meaning of Rule 72(b), Fed. R. Civ. P., and
2 overrules Petitioner’s objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court
3 “may accept, reject, or modify, in whole or in part, the findings or recommendations made
4 by the magistrate”).

5 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate
6 Judge (Doc. 76) is accepted.

7 IT IS FURTHER ORDERED that Report and Recommendation of the Magistrate
8 Judge (Doc. 79) is accepted.

9 IT IS FURTHER ORDERED that Respondents’ “Motion to Dismiss for Lack of
10 Jurisdiction (Mootness)” (Doc. 66) is GRANTED.

11 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying and
12 dismissing petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254
13 (Doc. 1) with prejudice. The Clerk shall terminate this action.

14 Having considered the issuance of a Certificate of Appealability from the order
15 denying Petitioner’s Petition for a Writ of Habeas Corpus, the Court FINDS: Certificate of
16 Appealability and leave to proceed *in forma pauperis* on appeal are **Denied**. Petitioner has
17 not made a substantial showing of the denial of a constitutional right.

18 DATED this 3rd day of May, 2011.

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21 _____
22 Neil V. Wake
23 United States District Judge
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