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

8 John Kenneth Watkins, III,

No. CV 09-1852-PHX-DGC

9 Petitioner,

ORDER

10 vs.

11 Charles L. Ryan, et al.,

12 Respondents.
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14 Petitioner moves to voluntarily dismiss his petition for habeas relief due to vacatur
15 of his state conviction and subsequent release from incarceration. Doc. 25. Magistrate
16 Judge Jay R. Irwin filed a Report and Recommendation (“R & R”) in favor of granting
17 dismissal and denying a certificate of appealability. Doc. 29. No objections were filed.
18 Good cause appearing, the Court will adopt the R & R. *See* 28 U.S.C. § 636(b)(1).

19 **IT IS ORDERED:**

- 20 1. The R & R (Doc. 29) is hereby **adopted** and Petitioner’s habeas petition is
21 dismissed.
22 2. The Clerk shall terminate this action.

23 Dated this 8th day of April, 2011.
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David G. Campbell
United States District Judge