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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Wilber Gallegos-Duran,

Petitioner,

vs.

Charles Ryan, et al.

Respondents.

) No. CV10-1119-PHX-SRB

) **ORDER**

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on May 24, 2011 raising four grounds for relief. Petitioner claims he was: 1) denied his Sixth Amendment right to an impartial jury; 2) denied his Fifth and Fourteenth Amendment rights to due process; 3) denied his Fifth and Sixth Amendment rights to due process and; 4) denied his Sixth Amendment right to effective assistance of counsel. On December 2, 2010 Respondents filed their Response to Petitioner’s Petition for Writ of Habeas Corpus. No reply was filed. On October 17, 2011, the Magistrate Judge issued his Report and Recommendation recommending that the petition be dismissed with prejudice.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 14 days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

1 The Court finds itself in agreement with the Report and Recommendation of the  
2 Magistrate Judge.

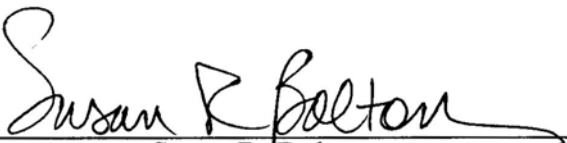
3 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
4 as the order of this Court.

5 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed  
6 with prejudice.

7 IT IS FURTHER ORDERED denying any Certificate of Appealability and leave to  
8 proceed *in forma pauperis* on appeal because jurists of reason would not find it debatable  
9 whether the court was correct in its procedural ruling.

10 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.  
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12 DATED this 18<sup>th</sup> day of November, 2011.

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16 Susan R. Bolton  
17 United States District Judge  
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