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

Michael James Gomez,)	No. CV-10-01179 PHX-NVW (MEA)
)	
Petitioner,)	ORDER
)	
v.)	
)	
Brigadier General Kurt Neubauer, Major))	
Michael Borders,)	
)	
Respondents.)	
)	

Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Aspey (Doc. 14) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241(c)(3) (Doc. 1). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 11). Petitioner filed objections on September 16, 2010 (Doc. 15). Respondents filed a Reply on September 26, 2010 (Doc. 16).

The Court has considered the objections and reviewed the Report and Recommendation 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 decision in *Allen v. Steele*,

1 759 F.2d 1469, 1471 (9th Cir. 1985), is controlling. The Court therefore agrees with the
2 Magistrate Judge's determinations, accepts the recommended decision within the meaning
3 of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. §
4 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in
5 part, the findings or recommendations made by the magistrate”).

6 IT IS ORDERED that the Report and Recommendation of the Magistrate Judge
7 (Doc. 14) is accepted.

8 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
9 Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241(c)(3)
10 (Doc. 1) and dismissing it with prejudice. The Clerk shall terminate this action.

11 DATED this 27th day of September, 2010.

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14 _____
15 Neil V. Wake
16 United States District Judge
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