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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Magdalena Ester Schwartz,

)

No. CV10-2128 PHX-DGC (DKD)

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Petitioner,

)

No. CR98-0662 PHX-DGC

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v.

)

ORDER

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United States of America,

)

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Respondent.

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Petitioner, Magdalena Ester Schwartz has filed a motion to vacate, set aside or correct

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sentence, which the Court has construed as a petition for writ of coram nobis. Doc. 1.

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United States Magistrate Judge David K. Duncan has issued a report and recommendation

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("R&R") recommending that the motion be denied. Doc. 7 at 5. No objection has been filed,

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which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1);

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Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-*

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Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R and deny the

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petition.

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IT IS ORDERED:

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1. The R&R (Doc. 7) is **accepted**.

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2. The motion to vacate sentence (Doc. 1) is **denied**.

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3. A certificate of appealability and leave to proceed *in forma pauperis* on appeal are **denied**

4. The Clerk is directed to **terminate** this action.

DATED this 30th day of June, 2011.



David G. Campbell
United States District Judge