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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Carl Elliot, Jr.,

Petitioner,

vs.

Charles Ryan, et al.,

Respondents.

No. CV10-2326-PHX-SRB

ORDER

Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on December 27, 2010 claiming Petitioner's Fifth and Fourteenth Amendment rights were violated by the denial of presentence incarceration credit against his Arizona sentences for the 14 months he spent in federal prison in Florida. (Report and Recommendation, p.4). Respondents filed their answer to Petitioner's Amended Petition for Writ of Habeas Corpus on June 15, 2011 and Petitioner filed a Reply on July 12, 2011. On August 30, 2011, the Magistrate Judge issued his Report and Recommendation recommending that the petition be denied.

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.

1 The time to file such objections has since expired and no objections to the Report and
2 Recommendation have been filed.

3 The Court finds itself in agreement with the Report and Recommendation of the
4 Magistrate Judge.

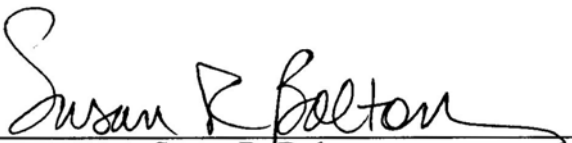
5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
6 as the order of this Court (Doc. 20).

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied
8 and dismissed with prejudice.

9 IT IS FURTHER ORDERED denying a certificate of Appealability because Petitioner
10 has not made a substantial showing of the denial of a constitutional right as required by 28
11 U.S.C.A. § 2253(c)(2).

12 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.
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14 DATED this 12th day of October, 2011.
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18 Susan R. Bolton
19 United States District Judge
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