Davis v. Ryan et al Doc. 20

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Cleopheus Davis, Petitioner, vs. Charles L. Ryan; Attorney General of the State of Arizona, Respondents.	CV 11-00715-PHX-FJM **ORDER**

The court has before it petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1), respondents' response (doc. 13), and petitioner's reply (doc. 15). We also have before us the magistrate judge's report and recommendation recommending that the petition be denied (doc. 17). We granted petitioner's request for an extension of time to respond (doc. 19). However, petitioner did not file objections to the report and recommendation, and the time for doing so has expired. Accordingly, we accept the recommendation of the United States Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. See also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

IT IS ORDERED ACCEPTING the report and recommendation (doc. 17) and **DENYING** petitioner's petition for writ of habeas corpus (doc. 1). **IT IS FURTHER ORDERED DENYING** a certificate of appealability because petitioner has not made a

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substantial showing of the denial of a constitutional right. The Clerk shall enter judgment.

DATED this 20th day of June, 2012.

Frederick J. Martone
United States District Judge