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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Theodore Cush McDowell,
Petitioner,
vs.
Shelton Richardson, et al.,
Respondents.

No. CV11-0716 PHX DGC (MEA)

ORDER

Petitioner Theodore Cush McDowell has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. United States Magistrate Judge Mark E. Aspey has issued a report and recommendation (“R&R”) recommending that the petition be denied. Doc. 14. No objection has been filed, which relieves the Court of its obligation to review the R&R. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). The Court will accept the R&R and deny the petition.

IT IS ORDERED:

1. The R&R (Doc. 14) is **accepted**.
2. The petition for writ of habeas corpus (Doc. 1) is **denied**.
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 31st day of October, 2011.



David G. Campbell
United States District Judge