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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Dewayne Askins,

Petitioner,

vs.

Dennis R. Smith,

Respondent.

) No. CV11-0932-PHX-SRB

) **ORDER**

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 on May 10, 2011. Respondent filed his answer to Petitioner’s Petition on June 24, 2011. No reply has been filed. On July 15, 2011, Respondent file a Suggestion of Mootness and Petitioner filed a response to the Suggestion of Mootness on July 29, 2011. On October 14, 2011, the Magistrate Judge issued his Report and Recommendation recommending that the Petition for Writ of Habeas Corpus be dismissed with prejudice as moot.

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

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

1 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
2 as the order of this Court. (doc. 17).

3 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is dismissed
4 with prejudice as moot.

5 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

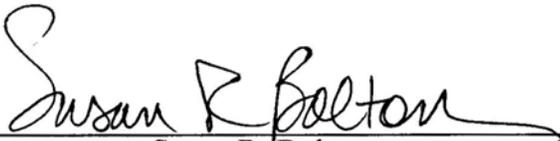
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7 DATED this 4th day of November, 2011.

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Susan R. Bolton
United States District Judge

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