

1

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9 Douglas Borchers,

No. CV11-1018 PHX DGC (LOA)

9

10 Petitioner,

ORDER

10

11 vs.

11

12 Duane Belcher, Sr., et al.,

12

13 Respondents.

13

14

15

Petitioner Douglas Borchers has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. United States Magistrate Judge Lawrence O. Anderson has issued a report and recommendation (“R&R”) that the petition be granted. Doc. 10. 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 grant the petition.

16

17

18

19

20

21

22

IT IS ORDERED:

23

1. The R&R (Doc. 10) is **accepted**.

24

2. The petition for writ of habeas corpus (Doc. 1) is **granted**. Respondents shall provide Petitioner with a prompt hearing that fully complies with *Morrissey v. Brewer*, 408 U.S. 471, 486-88 (1972), no later than thirty days after the entry of this order.

25

26

27

28

3. A certificate of appealability is **granted** because the issues are “debatable

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

among jurists of reason,” or “the questions are adequate to deserve encouragement to proceed further.” *Mendez v. Knowles*, 556 F.3d 757, 770-71 (9th Cir. 2009) (quoting *Barefoot v. Estelle*, 463 U.S. 880 (1983), *superseded on other grounds by* 28 U.S.C. § 2253(c)(2)).

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

Dated this 12th day of April, 2012.



David G. Campbell
United States District Judge