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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David James Szymanski,
Petitioner,
vs.
Charles L. Ryan, et al.
Respondents.

No. CV-11-1976-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. 10), and the report and recommendation by the United States Magistrate Judge (doc. 12). No objections to the report and recommendation were filed and the time for doing so has expired.

The court accepts the recommended decision of the United States Magistrate Judge within the meaning of Rule 8(b), Rules Governing § 2254 Cases. Accordingly, **IT IS ORDERED DENYING** the petition for writ of habeas corpus (doc. 1). **IT IS FURTHER ORDERED** denying a certificate of appealability and leave to proceed *in forma pauperis*.

DATED this 20th day of September, 2012.

Frederick J. Martone

Frederick J. Martone
United States District Judge