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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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United States of America,)

No. CR 11-355-PHX-JAT
CV 12-170-PHX-JAT (LOA)

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Plaintiff/Respondent,)

ORDER

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vs.)

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Juan Fernandez-Mendoza,)

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Defendant/Petitioner/Movant.)

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Pending before the Court is Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. 11) recommending that the Motion be denied.

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Accordingly,

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IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 11) is **ACCEPTED and ADOPTED**;

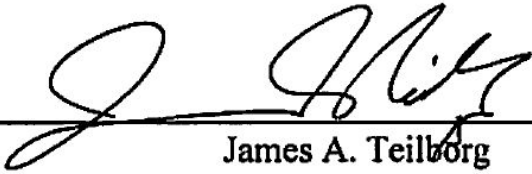
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IT IS FURTHER ORDERED that Movant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) is **DENIED WITH PREJUDICE**; and the Clerk of the Court shall enter judgment accordingly.

IT IS FINALLY ORDERED that pursuant to Rule 11 of the Rules Governing Section 2255 Proceedings, in the event Movant files an appeal, a certificate of appealability and leave to proceed *in forma pauperis* on appeal is denied because Movant has not made a substantial showing of the denial of a constitutional right.

DATED this 16th day of August, 2013.



James A. Teilborg
Senior United States District Judge