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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

David Anthony Dean,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV12-534 PHX DGC (MHB)

ORDER

Petitioner David Anthony Dean has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. United States Magistrate Judge James F. Metcalf has issued a report and recommendation (“R&R”) recommending that the petition be denied with prejudice. Doc. 87. In response, Petitioner filed a motion to dismiss this matter “with or without prejudice.” Doc. 89 at 1. The Court will accept the R&R, deny the petition with prejudice, and grant Petitioner’s motion to dismiss (Doc. 89).

IT IS ORDERED:

1. The R&R (Doc. 87) is **accepted**.
2. The petition for writ of habeas corpus (Doc. 1) is **denied with prejudice**.
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 22nd day of January, 2013.



David G. Campbell
United States District Judge