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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9	Juan Victor Munoz,)	No. CV-12-02240-PHX-FJM
)	No. CR-09-00784-01-PHX-FJM
10	Petitioner,)	
11	vs.)	ORDER
12)	
13	United States of America,)	
14	Respondent.)	

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17 Before the court is petitioner’s motion for reconsideration (doc. 20) of our order
18 adopting the report and recommendation of the Magistrate Judge and denying his motion to
19 amend (doc. 18). Petitioner argues that he should be permitted to amend his petition to assert
20 an actual innocence and lack of jurisdiction challenge to his conviction. These claims are
21 wholly without merit and therefore the motion to amend was properly denied.

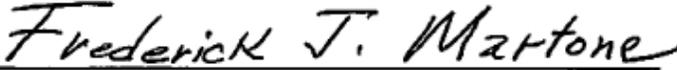
22 As best we can tell, Petitioner’s actual innocence and jurisdictional claims, raised for
23 the first time after the report and recommendation was issued, are based on his belief that the
24 conspiratorial “agreement to rob the alleged 4-kilos of cocaine was induced under false
25 pretenses” because it was part of a government sting operation, and is therefore “void or
26 invalid.” Proposed Amendment (doc. 16) at 3. He argues that “any conspiratorial agreement
27 induced by government agents or informants is void” and therefore he is actually innocent
28 of the conspiracy for which he was convicted. This claim is wholly without merit. The

1 agreement was between petitioner and his co-defendants. This is sufficient to support a
2 conspiracy charge.

3 **IT IS ORDERED DENYING** petitioner's motion for reconsideration (doc. 20).

4 DATED this 29th day of January, 2014.

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Frederick J. Martone
Frederick J. Martone
Senior United States District Judge