

1 NOT FOR PUBLICATION  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jorge Ernesto Madueno,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.  
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No. CV-13-01382-PHX-SRB

**ORDER**

15 Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §  
16 2254 on July 10, 2013 raising one ground for relief. Petitioner alleges that the state violated  
17 his federal due process rights by breaching a term of the plea agreement. Respondents filed  
18 their Response to Petitioner's Petition for Writ of Habeas Corpus on March 3, 2014. No  
19 reply was filed. On April 18, 2014, the Magistrate Judge issued her Report and  
20 Recommendation recommending that the petition be denied and dismissed with prejudice.

21 In her Report and Recommendation the Magistrate Judge advised the parties that  
22 they had 14 days from the date of service of a copy of the Report and Recommendation  
23 within which to file specific written objections with the Court. The time to file such  
24 objections has expired and no objections to the Report and Recommendation have been  
25 filed.

26 The Court finds itself in agreement with the Report and Recommendation of the  
27 Magistrate Judge.

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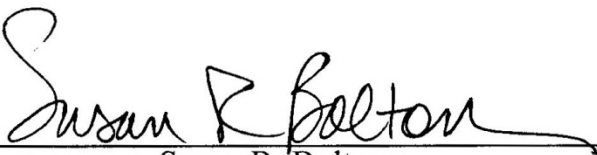
IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied and dismissed with prejudice.

IT IS FURTHER ORDERED denying any Certificate of Appealability and leave to proceed in forma pauperis on appeal because the dismissal of the Petition is justified by a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

Dated this 20th day of May, 2014.

  
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Susan R. Bolton  
United States District Judge