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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Rayford L. Terrell,

Petitioner,

v.

United States of America,

Respondent.

No. CV-13-01698-PHX-NVW
CR-05-00923-01-PHX-NVW

ORDER

Before the Court are Petitioner's Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by Person in Federal Custody (Doc. 4), United States Magistrate Judge Aspey's Report and Recommendation (Doc. 8) and Petitioner's Objections to the Magistrate's Report and Recommendation (Doc. 9)

The Court has considered Petitioner's objections and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the Court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court accepts the magistrate judge's recommended disposition within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. § 636(b)(1) (stating that the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate").

IT IS THEREFORE ORDERED that the Report and Recommendation of Magistrate Judge Aspey (Doc. 8) to deny and dismiss Petitioner's motion under 28 U.S.C. § 2255 is accepted.

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IT IS FURTHER ORDERED that Petitioner's Amended Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside or Correct Sentence by Person in Federal Custody (Doc. 4) is denied and dismissed.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment accordingly and terminate this action.

Dated this 21st day of July, 2014.



Neil V. Wake
United States District Judge