

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Jack Cantrell,

10 Petitioner,

11 v.

12 Patrick Pogue, et al.,

13 Respondents.

No. CV-14-1504-PHX-SRB

ORDER

14 Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28
15 U.S.C. § 2254 on August 15, 2014 raising three grounds for relief: 1) that Respondents
16 violated his due process rights under the 5th and 14th Amendments; 2) that Respondents
17 violated his speedy trial right under the 6th Amendment; and 3) that Respondents violated
18 Petitioner's equal protections rights under the 14th Amendment. Respondents filed their
19 Response to Petitioner's Petition for Writ of Habeas Corpus on December 18, 2014.
20 Petitioner filed his reply on January 16, 2015. On September 11, 2015, the Magistrate
21 Judge issued her Report and Recommendation recommending that the petition be denied
22 and dismissed with prejudice.

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


IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court. (Doc. 16)

IT IS FURTHER ORDERED denying the Petition for Writ of Habeas Corpus and dismissing it with prejudice.

IT IS FURTHER ORDERED denying any Certificate of Appealability and leave to proceed in forma pauperis on appeal because dismissal of the Amended Petition is justified by a plain procedural bar and because Petitioner has not made a substantial showing of the denial of a constitutional right.

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

Dated this 2nd day of October, 2015.



Susan R. Bolton
United States District Judge