

1 NOT FOR PUBLICATION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 Salvador Sanchez Macias,

No. CV-15-00623-PHX-SRB (JFM)

10 Petitioner,

ORDER

11 v.

12 Charles L Ryan, et al.,

13 Respondents.

14 Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §
15 2254 on April 6, 2015. Petitioner “raises one ground for relief for violation of his Fifth,
16 Sixth, and Fourteenth Amendment rights based on the trial court altering the plea
17 agreement without the knowledge or agreement of Petitioner, prosecutorial misconduct,
18 and denial of the effective assistance of counsel.” (Report and Recommendation at p. 5)
19 Respondents filed their Response to Petitioner’s Petition for Writ of Habeas Corpus on
20 August 13, 2015. No reply was filed. On November 19, 2015, the Magistrate Judge issued
21 his Report and Recommendation recommending that the petition be dismissed with
22 prejudice.

23 In his 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 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 23rd day of December, 2015.



Susan R. Bolton
United States District Judge