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2 NOT FOR PUBLICATION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 Bobby Jerry Tatum,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.
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No. CV-15-00711-PHX-DJH

ORDER

17 This matter is before the Court on Petitioner's Petition for Writ of Habeas Corpus
18 pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation ("R&R")
19 (Doc. 37) of United States Magistrate Judge Bridget S. Bade, filed on March 14, 2018.

20 Petitioner filed a motion to voluntarily dismiss his amended petition for habeas
21 corpus relief as moot. (Doc. 36 (citing *United States v. Franklin*, 235 F.3d 1165, 1173
22 (9th Cir. 2000) (citing *Powell v. McCormack*, 395 U.S. 486, 496 (1969)).) Respondents
23 agree that that amended petition is moot. (Doc. 36 at 4.) Because Petitioner and
24 Respondents agree that the amended petition is moot, Judge Bade recommends that the
25 motion for voluntary dismissal be granted. Additionally, in her recommendation Judge
26 Bade advised the parties that they had 14 days from the date of service of a copy of the
27 R&R within which to file specific written objections with the Court. To date, no
28 objections have been filed, and the time to do so has now passed.

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This Court has reviewed Petitioner's Motion to Dismiss (Doc. 36) and Judge Bade's R&R (Doc. 37) and agrees with Judge Bade's findings and recommendations.

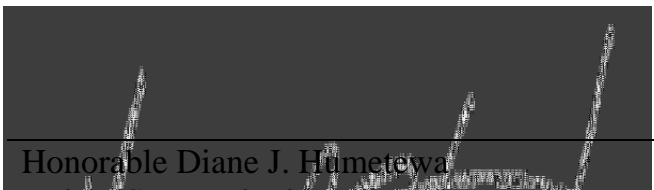
Accordingly, and for the reasons stated herein,

IT IS ORDERED that Magistrate Judge Bade's Report and Recommendation (Doc. 37) is ACCEPTED and ADOPTED as the order of this Court.

IT IS FURTHER ORDERED that Petitioner's Motion to Voluntarily Dismiss Petition for Writ of Habeas Corpus as Moot (Doc. 36) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of Court shall terminate this action.

Dated this 29th day of March, 2018.



Honorable Diane J. Humetewa
United States District Judge