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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Bobby Purcell,

Petitioner,

v.

Charles Ryan, et al.

Respondents.

No. CV-15-01316-PHX-ESW
ORDER

On December 20, 2021 Petitioner filed a Motion for Relief from Judgment Under Rule 60(b) of the Federal Rules of Civil Procedure. Respondents filed their Response on January 3, 2022 and Petitioner filed his Reply on January 6, 2022. On January 10, 2022 the Magistrate Judge issued her Report and Recommendation recommending that Petitioner’s Motion for Relief from Judgment Under Rule 60(b) of the Federal Rules of Civil Procedure be granted and that the Court reopen this matter and require Respondents to answer the Petition for Writ of Habeas Corpus within 40 days from the date the matter is reopened. It is also recommended that Petitioner may file a Reply within 30 days from the date of service of the Answer. In her Report and Recommendation the Magistrate Judge advised the parties that they had fourteen days from the date of service of a copy of the Report and Recommendation within which to file specific written objections with the Court. The time to file such objections has expired and no objections to the Report and Recommendation have been filed.

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

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IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge as the order of this Court. (Doc. 40)


IT IS FURTHER ORDERED granting Petitioner's Motion for Relief from Judgment Under Rule 60(b) of the Federal Rules of Civil Procedure. (Doc. 34)

IT IS FURTHER ORDERED directing the Clerk to reopen this case.

IT IS FURTHER ORDERED that Respondents shall file their answer to the Petition for Writ of Habeas Corpus (Doc. 1) within 40 days from the date of this Order.

IT IS FURTHER ORDERED that Petition file his Reply within 30 days from the date of service of the answer.

Dated this 27th day of January, 2022.



Susan R. Bolton
United States District Judge