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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Francis Luna-Lara,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.
14

No. CV-16-01532-PHX-ROS

CR-03-1097-PHX-ROS


ORDER

15 Magistrate Judge Michelle H. Burns issued a Report and Recommendation (“R&R”)
16 recommending Petitioner’s motion under 28 U.S.C. § 2255 be granted. (Doc. 33).
17 Pursuant to the parties’ status report and the proceedings scheduled in CR-03-1097-PHX-
18 ROS, the R&R will now be adopted.

19 Accordingly,

20 **IT IS ORDERED** the Report and Recommendation (Doc. 33) is **ADOPTED**. The
21 Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C.. § 2255 is **GRANTED**.
22 Petitioner’s conviction and sentence are **VACATED** with the original charges in the
23 indictment reinstated. The Clerk of Court shall enter judgment in CV-16-1532-PHX-ROS
24 accordingly.

25 Dated this 10th day of March, 2020.

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28 Honorable Roslyn O. Silver
Senior United States District Judge