

1 NOT FOR PUBLICATION  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 Donald A. Allen,

10 Petitioner,

11 v.

12 United States of America,

13 Respondent.

No. CV-24-00822-PHX-SRB(JZB)

**ORDER**

14 Petitioner, Donald A. Allen, filed his Writ of Error Coram Nobis to Vacate  
15 Conviction and Dismiss Indictment Pursuant to All Writs Act 28 U.S.C. Sec. 1651(a)  
16 (“Petition for Writ of Error Coram Nobis”) on April 10, 2024. Respondent filed its Response  
17 on August 23, 2024 and Petitioner filed his Reply on October 28, 2024. On December 4,  
18 2024, the Magistrate Judge issued his Report and Recommendation recommending that the  
19 Petition be denied and dismissed with prejudice.

20 In his Report and Recommendation the Magistrate Judge advised the parties that  
21 they had fourteen days from the date of service of a copy of the Report and Recommendation  
22 within which to file specific written objections with the Court. The time to file such  
23 objections has expired and no objections to the Report and Recommendation have been filed.

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

26 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate  
27 Judge as the order of this Court. (Doc. 23)

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**IT IS FURTHER ORDERED** denying the Petition for Writ of Error Coram Nobis and dismissing it with prejudice. (Doc. 1)

**IT IS FURTHER ORDERED** denying any Certificate of Appealability and leave to proceed in *forma pauperis* on appeal because Petitioner has not demonstrated reasonable jurist could find the ruling debatable.

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

Dated this 6th day of January, 2025.

  
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Susan R. Bolton  
United States District Judge