

1 **WO**

2

3

4

5

NOT FOR PUBLICATION

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

John Tafoya,

) No. CV-06-389-PHX-FJM

9

) Petitioner,

) **ORDER**

10

vs.

11

) Mary Hennessey, et al.,

12

) Respondents.

13

14

The court has before it petitioner’s Amended Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 5), respondents’ answer (doc. 14), and the Report and Recommendation of the United States Magistrate Judge recommending that the petition be denied and dismissed with prejudice (doc. 15). No objection to the Report and Recommendation has been filed and the time for doing so has lapsed. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

20

The court accepts the recommended decision of the Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. Therefore, **IT IS ORDERED DENYING** the Amended Petition for writ of habeas corpus and dismissing it with prejudice (doc. 14).

23

DATED this 25th day of September, 2008.

24

25

26

27

Frederick J. Martone

Frederick J. Martone
United States District Judge

28