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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Robert Daniel Satala,

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No. CV 08-8137-PHX-MHM

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Petitioner,

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ORDER

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vs.

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Dora B. Schriro, et al.

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Respondents.

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Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on October 24, 2008, claiming his sentence imposed was in violation of his constitutional rights. On January 9, 2009, Respondents filed their response to Petitioner’s Petition for Writ of Habeas Corpus. On September 23, 2009, the Magistrate Judge issued her Report and Recommendation recommending that the petition be denied and dismissed with prejudice.

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In her Report and Recommendation the Magistrate Judge advised the parties that they had 10 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 long since expired and no objections to the Report and Recommendation have been filed. Failure to timely file objections to any factual or legal determination of the Magistrate Judge may be considered a waiver of a party’s right to *de novo* consideration of the issues. See United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

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1 After a complete and independent review of the issues presented, the Court finds itself
2 in agreement with the Report and Recommendation of the Magistrate Judge.

3 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate Judge
4 as the order of this Court. (Dkt.#26.)

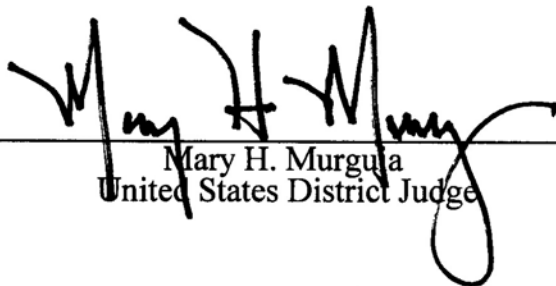
5 **IT IS FURTHER ORDERED** that the Court has reviewed the pleadings and has
6 determined that a Certificate of Appealability and Leave to Proceed In Forma Pauperis is not
7 appropriate, since Petitioner has not made a substantial showing of the denial of a
8 constitutional right.

9 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus is denied
10 and dismissed with prejudice.

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

12 DATED this 26th day of January, 2010.

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Mary H. Murgula
United States District Judge