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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

James E. Jolley, Jr.)	No. CV 06-132-TUC-FRZ (JM)
Petitioner,)	ORDER
vs.)	
Greg Fizer, et al.,)	
Respondents.)	

Petitioner James E. Jolley, Jr., represented by counsel, filed the instant Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. § 2254 on March 16, 2006, challenging his judgment and conviction for child abuse of a person under fifteen (15) years of age pursuant to A.R.S. 13-3623(B)(1), entered in the Pima County Superior Court for the State of Arizona on April 30, 2001.

This matter was referred to United States Magistrate Judge Jacqueline Marshall for all pretrial proceedings and report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) and LRCiv 72.1 and LRCiv 72.2 of the Rules of Practice of the United States District Court for the District of Arizona, Local Rules of Civil Procedure.

Magistrate Judge Marshall issued her Report and Recommendation on April 28, 2009, setting forth the factual and procedural background of the underlying case and a thorough analysis of the issues presented.

1 The Report and Recommendation recommends that the District Court, after its
2 independent review of the record and all matters submitted, enter its order dismissing with
3 prejudice Petitioner's Petition for Writ of Habeas Corpus.

4 The parties were given notice that, pursuant to 28 U.S.C. §636(b) and Rules 72(b) and
5 6(a) of the Federal Rules of Civil Procedure, that the parties had ten (10) days after being
6 served with a copy of this Report and Recommendation to file written objections. No
7 objections were filed.


8 The Court, having made an independent review of the record herein, orders as
9 follows:

10 **IT IS ORDERED** that Magistrate Judge Marshall's Report and Recommendation
11 [Doc. #21] is hereby **ACCEPTED** and **ADOPTED** as the findings of fact and conclusions
12 of law by this Court;

13 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus is
14 **DENIED** and that is case is hereby dismissed with prejudice;

15 Judgment shall be entered accordingly.

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17 DATED this 30th day of September, 2009.

18 
19 FRANK R. ZAPATA
20 United States District Judge
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