

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Cesar Robert Franco,	)	No. CV 06-270-TUC-FRZ (JCG)
Petitioner,	)	<b>ORDER</b>
vs.	)	
Greg Fizer, et al.,	)	
Respondents.	)	

---

Before the Court for consideration is Petitioner’s *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to Title 28, U.S.C. § 2254, alleging four grounds of due process violations.

This matter was referred to the United States Magistrate Judge 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, Rules of Practice of the United States District Court for the District of Arizona.

Magistrate Judge Jennifer C. Guerin issued her Report and Recommendation, filed October 11, 2007, recommending that the District Court, after its independent review of the record, enter an order dismissing the Petition for Writ of Habeas Corpus as time barred under 28 U.S.C. § 2244(d)(1).

Petitioner filed his Objection to Report and Recommendation on October 29, 2007.

1           The Court, having made an independent review of the record herein, including  
2 Petitioner's objection, finds that the Report and Recommendation of Magistrate Judge Guerin  
3 shall be adopted as the findings of fact and conclusions of law of this Court.

4           Based on the foregoing,

5           **IT IS ORDERED** that the Report and Recommendation [Doc. #11] is hereby  
6 **ACCEPTED** and **ADOPTED** as the findings of fact and conclusions of law by this Court;

7           **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus is  
8 **DENIED** and that this action is hereby dismissed with prejudice.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED this 3<sup>rd</sup> day of December, 2008.

  
FRANK R. ZAPATA  
United States District Judge