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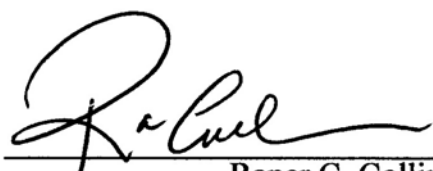
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Milton Jay Guenther,)	No. CV 10-96-TUC-RCC
Petitioner,)	ORDER
vs.)	
Craig Apker, Complex Warden,)	
Respondent.)	

Based on Petitioner’s apparent release from custody,
IT IS HEREBY ORDERED that the Report and Recommendation of the Magistrate
 Judge (Doc. 21) is adopted and accepted as the findings of fact and conclusions of law;
IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is
dismissed for lack of jurisdiction. *See Foster v. Carson*, 347 F.3d 742, 745 (9th Cir. 2003)
 (internal citations omitted).

Judgment shall enter accordingly.

DATED this 26th day of January, 2011.



 Raner C. Collins
 United States District Judge