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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Demetrius Lemus,

Petitioner,

vs.

Lionel C. Apker,

Respondent.

No. 10-CV-101-TUC-AWT

ORDER

This order addresses the habeas corpus petition and Motion for Summary Judgment by Petitioner Demetrius Lemus. On January 5, 2011, after a thorough and well documented analysis, Magistrate Judge Marshall issued a Report and Recommendation (“R&R”) to this Court. Neither party filed an objection to the R&R. Magistrate Judge Marshall recommended that this Court both dismiss the petition and deny the motion.

When there are no objections to the R&R, the Court will modify or set aside only those portions that are clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F.Supp.2d 1203, 1204 (D. Or. 1998). The Court has carefully reviewed the entire record and concludes that Magistrate Judge Marshall’s recommendations are not clearly erroneous or contrary to law.

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Accordingly,

IT IS ORDERED that the **REPORT AND RECOMMENDATION** of Magistrate Judge Marshall (Doc. No. 22) is **ADOPTED**.

IT IS FURTHER ORDERED that this case be **DISMISSED WITH PREJUDICE**.

The Clerk of Court is directed to close the case.

DATED this 28th day of February, 2011.



Raner C. Collins
United States District Judge