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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Mark Lugo,)	No. 10-CV-313-TUC-AWT
Petitioner,)	ORDER
vs.)	
Deputy Warden Freeland; et al.,)	
Respondents.)	

This case involves a Petition Under 28 U.S.C. § 2254 For a Writ of Habeas Corpus filed by Petitioner Mark Lugo on May 24, 2010 (Doc. 1). On September 29, 2010, after a thorough and well-documented analysis, Magistrate Judge Bernardo Velasco issued a Report and Recommendation (R & R) to this Court, recommending that the Petition for Writ of Habeas Corpus be denied. On October 14, 2010, Petitioner filed his objections to the R & R.

After an independent review of the record and a de novo review of the portions of the R & R to which Petitioner has objected, the Court adopts the Magistrate Judge's R & R in whole. In his objections to the R & R, Petitioner does not raise any new issues of fact or law but merely reiterates the arguments and claims he has already made in his Petition. Moreover, Petitioner mistakenly attempts to assign the Court the burden of disproving Petitioner's statements. It is Petitioner's burden to produce evidence supporting his argument, and he has failed to meet it. All of Petitioner's arguments have been adequately addressed by the

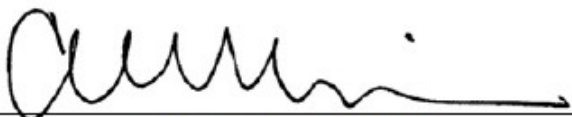
1 Magistrate Judge in his R & R. Petitioner's claims are without merit and his Petition must be
2 denied.

3 Accordingly, **IT IS ORDERED:**

4 The Report and Recommendation of Magistrate Judge Velasco (Doc. 17) is **adopted**
5 in whole. The Petition (Doc. 1) is **denied** and this case is **dismissed**. The Clerk of Court is
6 directed to close this case and enter judgment accordingly.

7 DATED this 23rd day of March, 2011.

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A. Wallace Tashima
United States Circuit Judge
Sitting by Designation