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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|              |   |                             |
|--------------|---|-----------------------------|
| Sam Trevino, | ) | No. CV 10-393-TUC-FRZ (CRP) |
| Petitioner,  | ) | <b>ORDER</b>                |
| vs.          | ) |                             |
| Craig Apker, | ) |                             |
| Respondent.  | ) |                             |

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Charles R. Pyle that recommends denying as moot Petitioner’s habeas petition filed pursuant to 28 U.S.C. §2241. A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

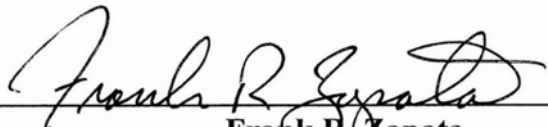
The Court has reviewed the record and concludes that Magistrate Judge Pyle’s recommendations are not clearly erroneous. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

- Accordingly, IT IS HEREBY ORDERED as follows:
- (1) Magistrate Judge Pyle’s Report and Recommendation (Doc. #10) is accepted and adopted.
  - (2) Petitioner’s §2241 habeas petition is denied and this case is dismissed with prejudice.

1 (3) The Clerk of the Court shall enter judgment and close the file in this matter.

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DATED this 2<sup>nd</sup> day of December, 2010.



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**Frank R. Zapata**  
**Senior United States District Judge**