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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

KEVIN GRAY HUTCHINGS,
Petitioner,
vs.
CRAIG APKER,
Respondent.

No. CV 12-268-TUC-CKJ

ORDER

Pending before the Court is Petitioner’s Petition under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody. Also pending before the Court is Respondent's Motion to Dismiss Because of Death of Petitioner (Doc. 10).

On December 10, 2012, Magistrate Judge Hector C. Estrada issued a Report and Recommendation (Doc. 11) in which he recommended the Motion to Dismiss be granted and the Petition under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a Person in Federal Custody be dismissed. The magistrate judge advised the parties that any written objections were to be served and filed within 14 days of being served with a copy of the Report and Recommendation. No objections to the Report and Recommendation have been filed.

After an independent review, the Court finds dismissal is appropriate.

Accordingly, IT IS ORDERED:

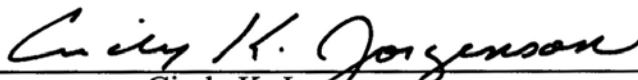
- 1. The Report and Recommendation (Doc. 11) is ADOPTED.
- 2. The Motion to Dismiss Because of Death of Petitioner (Doc. 10) is GRANTED.

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3. The Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 is
DISMISSED as moot.

4. The Clerk of the Court shall enter judgment and shall then close its file in this
matter.

DATED this 2nd day of January, 2013.


Cindy K. Jorgenson
United States District Judge