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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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James Johnson,

) No. CV 12-403-TUC-JGZ (DTF)

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) Petitioner,

) **ORDER**

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) vs.

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) Rene G. Garcia, Warden,

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) Respondent.

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Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge D. Thomas Ferraro that recommends dismissing the Petition for Writ of Habeas Corpus (Doc. 1) on the merits. (Doc. 13.)

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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.

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The Court has reviewed the record and concludes that Magistrate Judge Ferraro'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).

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Accordingly, IT IS HEREBY ORDERED as follows:

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(1) Magistrate Judge Ferraro's Report and Recommendation (Doc. 13) is

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ACCEPTED and ADOPTED.

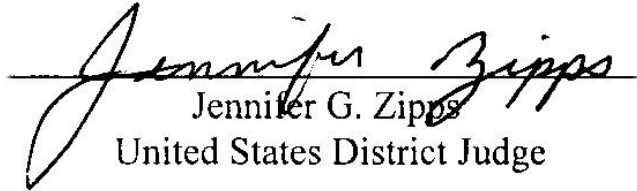
1 (2) Petitioner's §2241 habeas petition (Doc. 1) is denied and this case is dismissed
2 with prejudice.

3 (3) A Certificate of Appealability is denied and shall not issue.

4 (4) The Clerk of the Court shall enter judgment accordingly and close its file in this
5 matter.

6 DATED this 19th day of December, 2012.

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Jennifer G. Zipp
United States District Judge