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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Barry Addison Gray,  
Petitioner,  
vs.  
Louis W. Winn, Jr., et al.,  
Respondents.

No. 4:13-CV-1057-TUC-JAS (CRP)

**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Bruce G. Macdonald that recommends substituting the appropriate Warden as Respondent, denying Petitioner's Second Amended Petition, and denying Respondent's Motion to Dismiss. 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 Macdonald'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 Macdonald's Amended Report and Recommendation (Doc. 29) is accepted and adopted.

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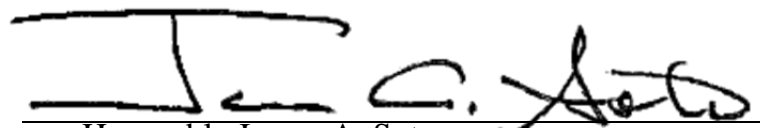
(2) J.T. Shartle, Warden, shall be substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and Rule 43(c)(2) of the Federal Rules of Appellate Procedure.

(3) Petitioner's Second Amended Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus by a person in Federal Custody (Doc. 8) is DENIED.

(4) Respondent's Motion to Dismiss (Doc. 17) is DENIED.

The Clerk shall close the file in this case.

Dated this 8th day of September, 2016.



Honorable James A. Soto  
United States District Judge