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

Steven Nietos,

Petitioner,

v.

Charles Ryan, et al.,

Respondents.

No. CV-14-01905-TUC-FRZ

**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge Rateau that recommends dismissing Petitioner Steven Nieto's Amended Petition for Writ of Habeas Corpus [Doc. 11]. A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and that 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 Rateau'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 (7<sup>th</sup> Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998). Accordingly, the Court will adopt Magistrate Judge Rateau's Report and Recommendation.

On November 23, 2015, Petitioner filed a "Notice of Extension of Time" wherein Petitioner provides the Court with notice that he "need[s] 90 days to get [his] paperwork right" to "file an Amended Petition for Writ of Habeas Corpus[.]" *See* Doc. 20. The Court will construe Petitioner's notice as a motion for an extension of time and, so construed,

1 the motion will be denied as moot.

2 Accordingly, IT IS HEREBY ORDERED as follows:

3 (1) Magistrate Judge Rateau's Report and Recommendation [Doc. 19] is accepted  
4 and adopted;

5 (2) Petitioner's Amended Petition for Writ of Habeas Corpus [Doc. 11] is denied;

6 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the  
7 United States District Courts, a certificate of appealability is denied with respect to all  
8 grounds for relief asserted in this federal habeas action;

9 (4) Petitioner's request for an extension of time to file another amended petition  
10 for writ of habeas corpus [Doc. 20] is denied; and

11 (5) This action is dismissed with prejudice and the Clerk of the Court is directed to  
12 close this case.

13 Dated this 25th day of November, 2015.

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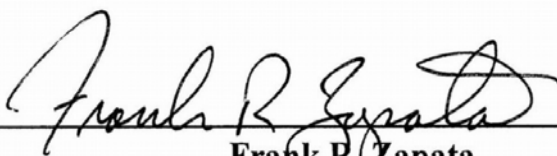
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**Frank R. Zapata**  
**Senior United States District Judge**