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NOT FOR PUBLICATION
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Steven F. Clawson,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

No. CV-07-02284-PHX-FJM

ORDER

The court has before it petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1), respondents’ answer (doc. 14), petitioner’s traverse (doc. 16), and the report and recommendation of the United States Magistrate Judge recommending that the petition be denied (doc. 22). No objection to the report and recommendation was filed and the time for doing so has expired.

After review, the court accepts the recommended decision of the United States Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. We deny the petition for writ of habeas corpus.

Next, we determine whether to issue a certificate of appealability. Rule 11(a), Rules Governing § 2254 Cases. Petitioner has not made a substantial showing of the denial of a constitutional right, the petition’s denial is justified by a plain procedural bar, and jurists of reason would not find the procedural ruling debatable. Moreover, briefing on whether a

1 certificate should issue would not be helpful. Therefore, we deny a certificate of
2 appealability.

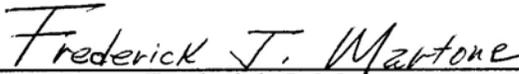
3 **IT IS ORDERED** that the clerk shall substitute Charles L. Ryan, Director of the
4 Arizona Department of Corrections, for respondent Dora B. Schriro.

5 **IT IS FURTHER ORDERED DENYING** the petition for writ of habeas corpus
6 (doc. 1).

7 **IT IS FURTHER ORDERED DENYING** a certificate of appealability.

8 DATED this 21st day of December, 2009.

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Frederick J. Martone
United States District Judge