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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Bernardo Murillo Arenas,)	
)	
Petitioner,)	No. CV-08-2311-PHX-PGR (MEA)
vs.)	
)	
Charles L. Ryan, et al.,)	<u>ORDER</u>
)	
Respondents.)	

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Aspey in light of the petitioner's Reply to Report and Recommendation (doc. #13), the Court finds that Magistrate Judge Aspey correctly concluded that the petitioner's Petition for Writ of habeas Corpus, filed on December 18, 2008 pursuant to 28 U.S.C. § 2254, should be denied as time-barred.

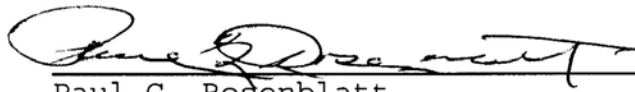
The Court concludes that the petitioner's objections to the Report and Recommendation should be overruled inasmuch as the Magistrate Judge correctly determined both that the petition was filed almost eight years after the one-year limitations period mandated by 28 U.S.C. § 2244(d)(1) expired on March 2, 2001, and that the petitioner has failed to demonstrate any entitlement to equitable tolling of the limitations period given that he has not shown that he was pursuing his rights diligently during the time period he is seeking to toll or

1 that any extraordinary circumstances beyond his control made it impossible for
2 him to file a timely federal habeas petition. Therefore,

3 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
4 (doc . #12) is accepted and adopted by the Court.

5 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C.
6 § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and
7 that this action is dismissed with prejudice. The Clerk of the Court shall enter
8 judgment accordingly.

9 DATED this 29th day of September, 2009.

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13 Paul G. Rosenblatt
14 United States District Judge
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