

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

Armando Adame v. Charles L. Ryan, et al

THE HONORABLE JOHN W. SEDWICK

2:09-cv-01341 JWS (JRI)

PROCEEDINGS:

ORDER FROM CHAMBERS

June 29, 2011

Armando Adame (“petitioner”) moved for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was briefed, and then in a report at docket 20, Magistrate Judge Jay Irwin recommended that the petition be dismissed with prejudice in part and otherwise be denied. Petitioner filed an objection at docket 21.

This court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). When reviewing a magistrate judge’s recommendations in a case such as this one, this court conducts *de novo* review of all recommended conclusions of law, and any recommended findings of fact to which objections have been taken. Recommended findings of fact as to which no objection has been taken are reviewed for clear error. Having applied those standards of review, this court finds that the recommended findings of fact and conclusions of law are correct. Petitioner’s objections raise nothing not adequately addressed by the Magistrate Judge.

This court adopts the recommendations at docket 20. Based thereon, Ground 3 is **DISMISSED with prejudice**, and the remainder of the petition at docket 1 is **DENIED**. The Clerk will please enter judgment accordingly and close this file.

IT IS FURTHER ORDERED THAT this court will not grant the Certificate of Appealability required by 28 U.S.C. § 2253(c), nor will it grant leave to proceed on appeal *in forma pauperis*, because dismissal of a portion of the petition is clearly warranted by a plain procedural bar which jurists of reason would not find debatable, and because the remainder of the petition does not raise a substantial claim of denial of a Constitutional right. If petitioner desires to appeal he must request a Certificate of Appealability from the Court of Appeals. See Fed. R. App. P. 22(b)(1).