

1 *Johnstone*, 263 F. Supp.2d 1219, 1226 (D. Ariz. 2003)), no such review is necessary when
2 the parties do not raise specific objections. *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (holding
3 that district courts are not required to conduct “any review at all . . . of any issue that is not
4 the subject of objection”); *see also* 28 U.S.C. § 636(b)(1) (“[T]he court shall make a *de novo*
5 determination of those portions of the [R & R] to which objection is made.”); *Carrillo-*
6 *Lozano*, 669 F. Supp. at 1076 (same). When a petitioner raises a general objection to the R
7 & R, rather than specific objections, the Court is relieved of any obligation to review it. *See*,
8 *e.g.*, *Sullivan v. Schriro*, 2006 WL 1516005, *1 (D. Ariz. May 30, 2006) (“[G]eneral
9 objections to an R & R are tantamount to no objection at all.”) (citing *Lockert v. Faulkner*,
10 843 F.2d 1015, 1019 (7th Cir. 1988)).

11 **DISCUSSION**

12 Mr. Jones’s sole objection to the R & R is akin to a general objection that fails to
13 provide any basis for review. Mr. Jones sets forth his Objection as follows: “Petitioner
14 objects to everything in the REPORT AND RECOMMENDATION, with the exception of
15 [pg. 7; lines 1–4, 18–19].” (Dkt # 13 at 1.) Mr. Jones then restates the same arguments set
16 forth in his Habeas Petition. (*Compare* Dkt. # 1 at 1–8 *with* Dkt. # 13 at 1–4.) This is
17 insufficient to raise specific objections as required by 28 U.S.C. § 636(b)(1). *See Sullivan*,
18 2006 WL 1516005, at *1–2 (denying objections for lack of specificity when the petitioner’s
19 objection constituted a copy of the original petition).

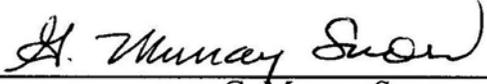
20 Nonetheless, even if Mr. Jones had set forth specific objections with sufficient
21 specificity, the Court agrees with the R & R’s conclusion that Mr. Jones’s Petition is
22 untimely. *See* 28 U.S.C. § 2244(d)(1). And while Mr. Jones asserts that the time bar does not
23 apply because he is actually innocent of the crime charged, he fails to “establish that, in light
24 of new evidence, ‘it is more likely than not that no reasonable juror would have found [him]
25 guilty beyond a reasonable doubt.’” *See House v. Bell*, 547 U.S. 518, 536–37 (2006) (quoting
26 *Schlup v. Delo*, 513 U.S. 298, 327 (1995)); *see also Johnson v. Knowles*, 541 F.3d 933, 937
27 (9th Cir. 2008) (holding that the “miscarriage of justice exception” to 28 U.S.C. §
28 2244(d)(1)(A)’s time bar “is limited to those *extraordinary cases* where the petitioner asserts

1 . . . actual innocence”).

2 **IT IS THEREFORE ORDERED:**

- 3 1. Judge Burns’s R & R (Dkt. # 12) is **ACCEPTED**.
4 2. Mr. Jones’s Petition for Writ of Habeas Corpus (Dkt. # 1) is **DENIED** with
5 prejudice.
6 3. Mr. Jones’s Motion for Summary Judgment (Dkt. # 9) is **DENIED**.
7 4. A certificate of appealability is **DENIED** because Mr. Jones has not made a
8 substantial showing of the denial of a constitutional right.
9 5. The Clerk of Court is directed to **TERMINATE** this action.

10 DATED this 16th Day of June 2010.

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12 _____
13 G. Murray Snow
14 United States District Judge

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