

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9
10 Tony Markus Hernandez,)
11 Petitioner,)
12 v.)
13 Charles L. Ryan, et al.,)
14 Respondents.)

CV 11-00760-PHX-PGR (JFM)

ORDER

15
16
17 The Court having reviewed *de novo* the Report and Recommendation of Magistrate
18 Judge Metcalf, and no party having filed any objection thereto,

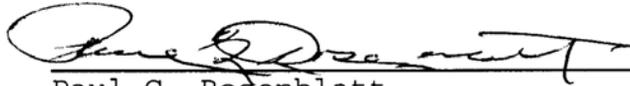
19 IT IS HEREBY ORDERED that the Court accepts and adopts the Report and
20 Recommendation (Doc. 20).¹

21 IT IS FURTHER ORDERED that Petitioner’s Petition for Writ of Habeas Corpus
22 (Doc. 1) is denied and dismissed with prejudice.

23
24 _____
25 ¹ The petition sought relief on two grounds. First, Petitioner alleged that he was
26 sentenced to an additional term in prison after violating the terms of a sentence of probation
27 that exceeded the permissible term. The Report and Recommendation finds this claim barred
28 by the statute of limitations and procedurally defaulted. Second, Petitioner alleged a violation
of his due process and equal protection rights based on a state court determination that he had
procedurally defaulted his claims. The Report and Recommendation finds this claim
procedurally defaulted.

1 IT IS FURTHER ORDERED denying a certificate of appealability.

2 DATED this 4th day of June, 2012.

3
4 
5 Paul G. Rosenblatt
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28