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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Pedro Chairez,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

No. CV-11-0769-PHX-PGR (MEA)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Aspey notwithstanding that no party has filed any objection to the Report and Recommendation, the Court finds that the Magistrate Judge correctly determined that the petitioner’s habeas corpus petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed as time-barred because it was filed over fourteen years after the expiration of the AEDPA’s one-year statute of limitations and the petitioner has made no showing that the limitations period should be equitably tolled. Therefore,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 18) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the petitioner’s Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that

1 this action is dismissed with prejudice.

2 IT IS FURTHER ORDERED that no certificate of appealability shall issue
3 because jurists of reason would neither find it debatable whether the petitioner's
4 habeas petition states a valid claim of the denial of a constitutional right nor whether
5 the Court is correct in its procedural ruling.

6 IT IS FURTHER ORDERED that the petitioner should not be allowed to
7 appeal *in forma pauperis*.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
9 accordingly.

10 DATED this 23rd day of May, 2012.

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13 Paul G. Rosenblatt
United States District Judge

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