

1 **WO**

2

3

4

5

**NOT FOR PUBLICATION**

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Danny Charles Conway,

)

CV 11-01139-PHX-FJM

10

Petitioner,

)

**ORDER**

11

vs.

)

12

Charles L. Ryan; Attorney General of the  
State of Arizona,

)

13

Respondents.

)

14

15

16

The court has before it petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1) and respondents' response (doc. 16). Petitioner did not reply. We also have the report and recommendation of the United States Magistrate Judge recommending that the petition be denied (doc. 17). Petitioner did not object to the report and recommendation, and the time for doing so has expired. After review, we accept the recommendation of the United States Magistrate Judge pursuant to Rule 8(b), Rules Governing § 2254 Cases. See also United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003).

24

Accordingly, **IT IS ORDERED ACCEPTING** the report and recommendation (doc. 17) and **DENYING** petitioner's petition for writ of habeas corpus (doc. 1). **IT IS FURTHER ORDERED DENYING** a certificate of appealability because the denial of the petition is justified by a plain procedural bar and jurists of reason would not find the

25

26

27

28

1 procedural ruling debatable. The Clerk shall enter judgment.

2 DATED this 8<sup>th</sup> day of March, 2012.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Frederick J. Martone*  
\_\_\_\_\_  
Frederick J. Martone  
United States District Judge