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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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10	Roman Robaina,)	No. 11-CV-2168-PHX-PGR (MHB)
)	
11	Petitioner,)	
	v.)	
12	Charles L. Ryan, et al.,)	ORDER
)	
13	Respondents.)	
14	_____)	

15 The Court having reviewed *de novo* the Report and Recommendation of Magistrate
16 Judge Burns, and no party having filed an objection,

17 **IT IS HEREBY ORDERED** that the Magistrate Judge’s Report and
18 Recommendation (Doc. 14) is ACCEPTED and ADOPTED by the Court.¹

19 **IT IS FURTHER ORDERED** that Petitioner’s First Amended Petition for Writ of
20 Habeas Corpus (Doc. 5) is DENIED and DISMISSED with prejudice.

21 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
22 proceed *in forma pauperis* on appeal are DENIED because the dismissal of the Petition is
23 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
24 debatable.

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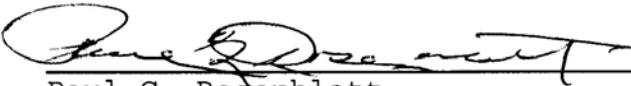
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¹ In her Report and Recommendation. Magistrate Judge Burns correctly determined that Petitioner’s habeas petition is untimely and, alternatively, that his claims are procedurally defaulted. (Doc. 14.)

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DATED this 14th day of May, 2013.



Paul G. Rosenblatt
United States District Judge