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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Khalil Shakur,

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CV 11-02169-PHX-FJM

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Petitioner,

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**ORDER**

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vs.

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

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Respondents.

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The court has before it petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1), respondents' response (doc. 11), and petitioner's reply (doc. 13). We also have the report and recommendation of the United States Magistrate Judge recommending that the petition be denied (doc. 14). 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).<sup>1</sup>

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<sup>1</sup> After the report and recommendation was filed, the Supreme Court decided Martinez v. Ryan, \_\_ U.S. \_\_, \_\_ S. Ct. \_\_, 2012 WL 912950 (Mar. 20, 2012). Martinez does not alter the analysis in this case, however, because petitioner raised an ineffective assistance of counsel claim in his state action for post-conviction relief that was decided on the merits. The magistrate judge did not conclude that petitioner procedurally defaulted on this claim, but rather determined that the state court's denial of relief was neither clearly contrary to nor an unreasonable application of federal law.

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