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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

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Blaine Kyle McNeese,

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No. CV 12-00962-PHX-FJM

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Petitioner,

)

**ORDER**

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vs.

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Charles Ryan, Arizona Attorney General,

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Respondent.

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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), and the Report and Recommendation of the United States Magistrate Judge (doc. 18). No objections to the Report and Recommendation were filed, and the time for filing objections pursuant to Rule 8(b), Rules Governing § 2254 Cases, has expired. We accept the Magistrate Judge's recommendation. Accordingly, **IT IS ORDERED DENYING** the petition for writ of habeas corpus.

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Because petitioner has not made a substantial showing of the denial of a constitutional right and because the dismissal of the petition is justified by a plain procedural bar and jurists of reason would not find the procedural ruling debatable, **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave to proceed *in forma pauperis* on appeal.

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DATED this 7<sup>th</sup> day of January, 2013.

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*Frederick J. Martone*

Frederick J. Martone  
United States District Judge

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