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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Ronnie Hursey, Sr.,

Petitioner,

vs.

Charles Ryan, et al.

Respondents.

No. CV12-01606-PHX-SRB

**ORDER**

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on July 26, 2012 raising four grounds for relief: 1) ineffective assistance of trial counsel in violation of the Sixth Amendment; 2) denial of due process in violation of the Fourteenth Amendment; 3) a multiplicitous indictment and prosecutorial misconduct in violation of the Fifth Amendment; and 4) cumulative errors at trial in violation of his right to present a complete defense. On November 29, 2012, Respondents filed their Response to Petitioner’s Petition for Writ of Habeas Corpus. Petitioner filed a reply on December 20, 2012. On April 29, 2013, the Magistrate Judge issued his Report and Recommendation recommending that the petition be denied and dismissed with prejudice because the Petition was barred by the statute of limitations.

In his Report and Recommendation the Magistrate Judge advised the parties that they had 14 days from the date of service of a copy of the Report and Recommendation within

1 which to file specific written objections with the Court. The time to file such objections has  
2 expired and no objections to the Report and Recommendation have been filed.

3 The Court finds itself in agreement with the Report and Recommendation of the  
4 Magistrate Judge.

5 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge  
6 as the order of this Court.

7 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied  
8 and dismissed with prejudice because it is barred by the statute of limitations.

9 IT IS FURTHER ORDERED denying a Certificate of Appealability and leave to  
10 proceed *in forma pauperis* on appeal because the dismissal of the Petition is justified by a  
11 plain procedural bar and jurists of reason would not find the procedural ruling debatable.

12 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.  
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14 DATED this 22<sup>nd</sup> day of May, 2013.

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18 Susan R. Bolton  
19 United States District Judge  
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