

1 NOT FOR PUBLICATION  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Matthew Ronald Creamer,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.  
14  
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No. CV-12-01781-PHX-SRB

**ORDER**

16 Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §  
17 2254 on August 20, 2012 raising six grounds for relief: 1) the trial court's denial of his  
18 motion to change counsel violated his Sixth Amendment Right; 2) he was denied his right to  
19 access the courts and his right to due process was violated because he was not personally  
20 interviewed by the author of the presentence report; 3) the method used by the state trial  
21 court to call a jury panel violated his constitutional rights; 4) trial counsel was ineffective  
22 because he did not move to suppress the admission of evidence; 5) trial counsel was  
23 ineffective because he did not challenge the state's "failure" to prove the fair-market value  
24 of the victim's stolen property; and 6) trial counsel was ineffective because he "performed  
25 deficiently at the sentencing phase." Respondents filed their Response to Petitioner's  
26 Petition for Writ of Habeas Corpus on February 25, 2013. No reply was filed. On January  
27 3, 2014, the Magistrate Judge issued his Report and Recommendation recommending that  
28 the petition be denied and dismissed with prejudice.

1 In his Report and Recommendation the Magistrate Judge advised the parties that  
2 they had 14 days from the date of service of a copy of the Report and Recommendation  
3 within which to file specific written objections with the Court. The time to file such  
4 objections has expired and no objections to the Report and Recommendation have been  
5 filed.

6 The Court finds itself in agreement with the Report and Recommendation of the  
7 Magistrate Judge.

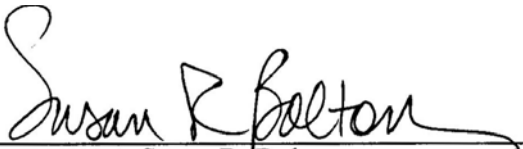
8 IT IS ORDERED adopting the Report and Recommendation of the Magistrate  
9 Judge as the order of this Court.

10 IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus is denied  
11 and dismissed with prejudice.

12 IT IS FURTHER ORDERED denying any Certificate of Appealability and leave  
13 to proceed in forma pauperis on appeal because Petitioner has not made a substantial  
14 showing of the denial of a constitutional right.

15 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.

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17 Dated this 30th day of January, 2014.

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21 Susan R. Bolton  
22 United States District Judge  
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