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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Milton Lee Tucker,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondent.

No. CV-12-1909-PHX-NVW

ORDER

Pending before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Anderson (Doc. 18) regarding petitioner’s Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 7). The R&R recommends that the Petition be denied. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (Doc. 18 at 10 (citing 28 U.S.C. § 636(b)).

Although no objection was filed in this action, the Court has considered the objections Petitioner filed in a parallel case, No. CV-12-0912-PHX-NVW, and reviewed the Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The court agrees with the Magistrate Judge’s determinations, accepts the recommended decision within the meaning of Rule 72(b) of the Federal Rules of Civil Procedure. *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate”)

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IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate Judge (Doc. 18) is accepted.

IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying Petitioner's Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 7). The Clerk shall terminate this action.

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

Dated this 20th day of December, 2013.



Neil V. Wake
United States District Judge