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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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James Ira Jones, Jr.,

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No. CV-12-2030-PHX-FJM

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Petitioner,

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**ORDER**

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vs.

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Charles L. Ryan, et al.,

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Respondents.

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The court has before it Petitioner’s amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 9), Respondents’ answer (doc. 17), and Petitioner’s reply (doc. 18). We also have before us the Report and Recommendation of the United States Magistrate Judge recommending that the amended petition be denied and dismissed with prejudice (doc. 21). No objection to the Report and Recommendation was filed and the time for doing so has expired.

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Pursuant to Rule 8(b), Rules Governing § 2254 Cases, we accept the recommended decision of the Magistrate Judge (doc. 21). Therefore, **IT IS ORDERED DENYING and DISMISSING WITH PREJUDICE** the amended petition for writ of habeas corpus (doc. 9).

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**IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave to proceed *in forma pauperis* on appeal because dismissal of the habeas petition is justified

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1 by a plain procedural bar and jurists of reason would not find the ruling debatable, and  
2 because Petitioner has not made a substantial showing of the denial of a constitutional right.

3 DATED this 21<sup>st</sup> day of July, 2014.

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5 Frederick J. Martone  
6 Frederick J. Martone  
7 Senior United States District Judge  
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