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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Andy Charles Bodie,  
Petitioner,

vs.

Charles L. Ryan, et al.,  
Respondents.

No. CV-12-02269-PHX-FJM

**ORDER**

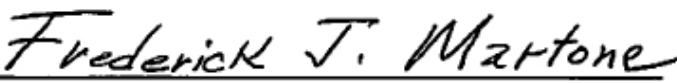
The court has before it petitioner’s amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 5), the respondents’ response (doc. 22), and the Report and Recommendation of the United States Magistrate Judge (doc. 24), recommending that petitioner’s amended petition for writ of habeas corpus be denied and dismissed with prejudice. No objections to the Report and Recommendation were filed and the time for doing so has now expired.

Pursuant to Rule 8(b), Rules Governing § 2254 Cases, the court accepts the recommended decision of the Magistrate Judge.

Accordingly, **IT IS ORDERED DENYING AND DISMISSING WITH PREJUDICE** the amended petition for writ of habeas corpus (doc. 5).

**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 by a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

DATED this 22<sup>nd</sup> day of May, 2014.

  
Frederick J. Martone  
Senior United States District Judge