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NOT FOR PUBLICATION

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Herve Holemen,

Petitioner,

vs.

Charles Ryan,

Respondent.

No. CV12-02350-PHX-SRB

ORDER

Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 on November 1, 2012 raising two grounds for relief: 1) ineffective assistance of counsel at trial violating Petitioner's Fifth, Sixth and Fourteenth Amendment rights; and 2) ineffective assistance of counsel on appeal and in state post-conviction proceedings. On March 18, 2013 Respondent filed his Response to Petitioner's Petition for Writ of Habeas Corpus . Petitioner filed a reply on April 16, 2013. On June 19, 2013, the Magistrate Judge issued his Report and Recommendation recommending that the petition be denied and dismissed with prejudice.

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

1 The Court finds itself in agreement with the Report and Recommendation of the
2 Magistrate Judge.

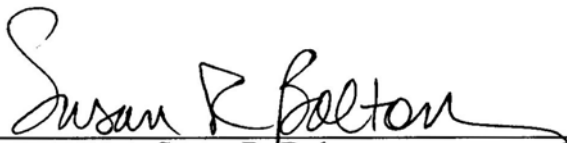
3 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
4 as the order of this Court.

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

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

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

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12 DATED this 15th day of July, 2013.

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16 Susan R. Bolton
17 United States District Judge
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