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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Angel David Smiley,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV-12-2525-PHX-FJM

ORDER

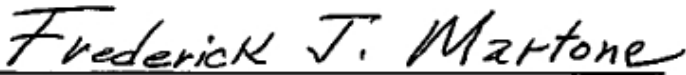
Before the court is Petitioner’s amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 6), Respondents’ response (doc. 20) and supplemental responses (docs. 24, 30 and 36), and Petitioner’s reply (doc. 21) and supplemental replies (doc. 28 and 39). We also have before us the report and recommendation of the United States Magistrate Judge concluding that Petitioner’s claims are procedurally defaulted or procedurally barred and recommending that the amended petition be dismissed with prejudice (doc. 40). Petitioner has not objected to the report and recommendation and the time for doing so has expired.

Pursuant to Rule 8(b), Rules Governing § 2254 Cases, we accept the recommended decision of the Magistrate Judge (doc. 40). Therefore, **IT IS ORDERED DENYING and DISMISSING WITH PREJUDICE** the amended petition for writ of habeas corpus (doc. 6).

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

DATED this 17th day of December, 2014.



Frederick J. Martone
Senior United States District Judge