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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Robert Andrew Wilson,
11 Petitioner,

12 vs.

13 Charles Ryan, et al.,
14 Respondents.

No. CV-13-00383-PHX-PGR (DKD)

ORDER

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16 Having reviewed *de novo* the Report and Recommendation of Magistrate
17 Judge Duncan notwithstanding that no party has filed an objection to the Report and
18 Recommendation, the Court finds that the Magistrate Judge correctly determined
19 that the petitioner's habeas corpus petition, filed on February 22, 2013 pursuant to
20 28 U.S.C. § 2254, should be dismissed as time-barred because it was filed nine
21 years after the AEDPA's one-year statute of limitations expired on February 26,
22 2004, and the petitioner has made no showing that the limitations period should be
23 equitably tolled. Therefore,

24 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
25 (Doc. 14) is accepted and adopted by the Court.


26 IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. §

1 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that
2 this action is dismissed with prejudice.

3 IT IS FURTHER ORDERED that no certificate of appealability shall issue and
4 that the petitioner is denied leave to appeal *in forma pauperis* because the dismissal
5 of the petitioner's habeas petition is justified by a plain procedural bar and jurists of
6 reason would not find the procedural ruling debatable.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
8 accordingly.

9 DATED this 3rd day of March, 2014.

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12 Paul G. Rosenblatt
United States District Judge

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