



1           On May 28, 2014, Petitioner filed timely written objections (Doc. 19) that did not  
2 address any error in the Magistrate Judge's analysis of timeliness and procedural default  
3 or lack of merits and failure to show prejudice, but reiterated and re-argued his view of  
4 the facts of the case at all levels. Respondents filed a brief response to Petitioner's  
5 objections on June 12, 2014 (Doc. 20).

6           Upon *de novo* review, the Court is in agreement with the Report and  
7 Recommendation of the Magistrate Judge. The Court overrules Petitioner's Objections to  
8 the Report and Recommendation, including his objection to the recommendation of  
9 denial of a Certificate of Appealability.

10           Petitioner asserts a multitude of claims, which could be counted and numbered  
11 many different ways. For the sake of consistency and ease of reference, the Court will  
12 use the numbering convention and claim classification system initiated by Respondent  
13 and adopted by the Magistrate Judge. That system classifies Petitioner's challenges to his  
14 conviction and sentence as claims one through 11, with claims one and eight having  
15 multiple subparts.

16           For the reasons stated in the Magistrate Judge's Report and Recommendation,  
17 claims 1(c) and 2 through 11 are barred from federal habeas review by Petitioner's failure  
18 to exhaust state court review or by procedural default. The Magistrate Judge further  
19 concluded correctly after analysis that Petitioner failed to establish a "fundamental  
20 miscarriage of justice" or "cause and prejudice" to overcome the procedural bar of default  
21 on any of these claims.

22           Petitioner did properly exhaust claims 1(a) and 1(b) in state court, and both are  
23 thus properly before this Court on habeas review. However, as the Magistrate Judge  
24 properly concluded after analysis, the state sentencing court's errors in claims 1(a) and  
25 1(b) resulted in no prejudice to Petitioner.

26           **IT IS ORDERED** overruling Petitioner's Objections to the Report and  
27 Recommendation (Doc. 19).

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