

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 Ronnie Wayne Clark,
9 Petitioner,
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11 v.
12 Charles L Ryan, et al.,
13 Respondents.

No. CV-13-01482-PHX-SRB

ORDER

14 Petitioner filed his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §
15 2254 on July 22, 2013 raising four grounds for relief: 1) Petitioner's Fourth, Fifth, Sixth
16 and Fourteenth Amendment rights were violated when he was denied the opportunity to
17 challenge irregularities in the grand jury proceedings; 2) his counsel was ineffective during
18 plea negotiations, in violation of his Sixth and Fourteenth Amendment rights; 3) his
19 conviction was obtained as a result of prosecutorial misconduct, in violation of his Fourth,
20 Fifth and Fourteenth Amendment rights; and 4) his Fourth, Fifth, and Sixth Amendment
21 rights were violated when evidence obtained in an unconstitutional seizure was used to
22 convict him. Respondents filed their Response to Petitioner's Petition for Writ of Habeas
23 Corpus on June 26, 2014 and Petitioner filed his reply on September 22, 2014. On
24 November 18, 2014, the Magistrate Judge issued her Report and Recommendation
25 recommending that the petition be denied and dismissed with prejudice.

26 In her Report and Recommendation the Magistrate Judge advised the parties that
27 they had fourteen days from the date of service of a copy of the Report and
28 Recommendation within which to file specific written objections with the Court. On

1 December 5, 2014, Petitioner filed a Motion for Extension of Time to file his objections to
2 the Report and Recommendation. On December 9, 2014, the Court granted Petitioner's
3 motion and extended the deadline for filing his objections to the Report and
4 Recommendation until January 15, 2015. The time to file such objections has expired and
5 no objections to the Report and Recommendation have been filed.

6 The Court finds itself in agreement with the Report and Recommendation of the
7 Magistrate Judge.


8 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
9 Judge as the order of this Court.

10 **IT IS FURTHER ORDERED** denying the Petition for Writ of Habeas Corpus
11 and dismissing it with prejudice.

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

16 **IT IS FURTHER ORDERED** directing the Clerk to enter judgment accordingly.
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18 Dated this 29th day of January, 2015.
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23 Susan R. Bolton
24 United States District Judge
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