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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Rodney Sheppard,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV-13-01723-PHX-PGR (LOA)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Anderson notwithstanding that no party has filed any objections to the Report and Recommendation, the Court finds that petitioner Rodney Sheppard's habeas corpus petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed with prejudice as time-barred because it was filed more than one and half years after the expiration of the AEDPA's one-year statute of limitations and the petitioner has not shown that the limitations period should be equitably tolled. Therefore,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 13) is accepted and adopted by the Court.

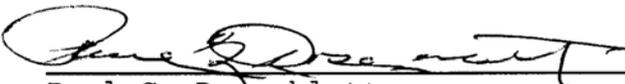
IT IS FURTHER ORDERED that petitioner Rodney Sheppard's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is

1 denied as time-barred and that this action is dismissed with prejudice.

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

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

8 DATED this 2nd day of October, 2014.

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11 Paul G. Rosenblatt
United States District Judge

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