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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Darnell Cain,

10 Petitioner,

11 v.

12 Charles L. Ryan, et al.,

13 Respondents.

No. CV-13-02011-PHX-DGC

ORDER

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15 Petitioner Darnell Cain filed a Petition for Writ of Habeas Corpus pursuant to 28
16 U.S.C. § 2013. Doc. 1. On March 28, 2014, United States Magistrate Judge
17 James F. Metcalf issued a report and recommendation (“R&R”) recommending that the
18 petition be dismissed with prejudice and that a Certificate of Appealability be denied.
19 Doc. 12 at 15. On May 13, 2014, the Court accepted the R&R because Petitioner had
20 filed no objections to the R&R. Doc. 13. The Court also denied a Certificate of
21 Appealability. *Id.* On May 15, 2014, Petitioner filed a “Supplemental Brief.” Doc. 15.
22 On May 22, 2014, Petitioner filed a motion urging the Court to reconsider the
23 supplemental brief because it contained objections to the R&R. Doc. 16 at 1-2.

24 Petitioner had 14 days to file objections to the R&R. Fed. R. Civ. P. 72(b)(2).
25 The R&R was filed on March 28, 2014. Doc. 12. As of May 13, 2014 – more than 45
26 days later – Petitioner had filed no objection. The Court accordingly approved the R&R.

27 The R&R specifically warned Petitioner about the 14-day time limit and that
28 “[f]ailure to timely file objections to any findings or recommendations . . . will be

1 considered a waiver of a party’s right to *de novo* consideration of the issues.” Doc. 12 at
2 15; *see United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc);
3 Fed. R. Civ. P. 72, Advisory Comm. Notes, 1991 Am. (“[O]bjections to magistrate’s
4 orders that are not timely made shall not be considered.”). The R&R further warned that
5 such failure “will constitute a waiver of [Petitioner’s] right to appellate review of the
6 findings of fact in an order or judgment entered pursuant to the [R&R].” Doc. 12 at 15;
7 *see Robbins v. Carey*, 481 F.3d 1143, 1146-47 (9th Cir. 2007). Because Petitioner’s
8 supplemental brief was filed well outside of the 14-day filing period, he has waived his
9 right to review.

10 Petitioner’s motion to reconsider provides no justification for his untimely
11 objection to the R&R, but does note that Petitioner is untrained in the law. Petitioner’s
12 lack of legal training does not, however, excuse his failure to comply with the clear time
13 limit for objecting to the R&R. *Meeks Junior v. Wells Fargo Bank*, No. 2:13-cv-1261
14 KJM DAD PS, 2014 WL 295171, at *1 (E.D. Cal. Jan. 27, 2014) (“Any individual
15 representing himself or herself . . . is nonetheless bound by the Federal Rules of Civil
16 Procedure, the Local Rules, and all applicable law.”).

17 **IT IS ORDERED** that Petitioner’s motion to reconsider the supplemental brief
18 (Doc. 16) is **denied**.

19 Dated this 9th day of July, 2014.

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24 David G. Campbell
25 United States District Judge
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