

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Humberto Peraza-Jimenez,

No. CV-14-00280-PHX-SRB

10 Petitioner,

ORDER

11 v.

12 Charles L Ryan, et al.,

13 Respondents.

14 Petitioner filed his Amended Petition for Writ of Habeas Corpus pursuant to 28
15 U.S.C. § 2254 on May 19, 2014. Respondents filed their Limited Answer to Petitioner's
16 Petition for Writ of Habeas Corpus on October 22, 2014 arguing the Petition was untimely
17 and all the claims procedurally defaulted. Petitioner filed his reply on December 29, 2014.

18 On September 1, 2015, the Magistrate Judge issued her Report and
19 Recommendation recommending that the amended petition be denied and dismissed with
20 prejudice because it is time-barred. In her Report and Recommendation the Magistrate
21 Judge advised the parties that they had fourteen days from the date of service of a copy of
22 the Report and Recommendation within which to file specific written objections with the
23 Court. On September 18, 2015 Petitioner filed a letter requesting a 12 month extension.
24 (Doc. 19) On September 24, 2015 the Court issued an Order extending the time for
25 Petitioner to file his Objections to the Report and Recommendation of the Magistrate Judge
26 until November 1, 2015. The Court further Ordered that "No further extensions will be
27 allowed absent extraordinary circumstances." (Doc. 20) On October 13, 2015 the Court's
28 Order (Doc. 20) was returned by the Post Office with the notation "Return to Sender

1 Attempted Not Known Unable to Forward.” It had been sent to the address provided by
2 Plaintiff. On October 14, 2015 the Clerk’s Office resent the Court’s September 24, 2015
3 Order to the address listed on Petitioner’s September 18, 2015 (Doc. 19) request for
4 extension of time. That mail has not been returned. The extended time to file objections has
5 expired and 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. The Amended Petition for Writ of Habeas Corpus is time-barred.

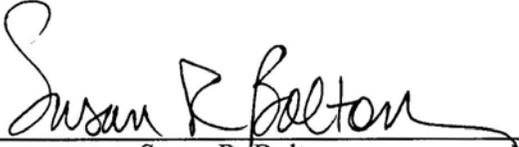
8 **IT IS ORDERED** adopting the Report and Recommendation of the Magistrate
9 Judge as the order of this Court. (Doc. 18)

10 **IT IS FURTHER ORDERED** denying the Amended Petition for Writ of Habeas
11 Corpus 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 dismissal of the Petition is justified by a
14 plain and 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 3rd day of November, 2015.

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22 _____
23 Susan R. Bolton
24 United States District Judge
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