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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Justin C. Bowman,
Petitioner,
v.
Charles L. Ryan, et al.,
Respondents.

No. CV-14-0733-PHX-DJH
ORDER

This matter is before the Court on Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) and the Report and Recommendation (“R&R”) issued by United States Magistrate Judge Michelle H. Burns (Doc. 18). Following a jury trial in 2010, Petitioner was convicted of 32 criminal counts involving sexual offenses with minors. (Doc. 18 at 3). He was sentenced to concurrent and consecutive prison terms totaling 682 years. (*Id.*). He raised ten grounds for relief in the Petition, including two Confrontation Clause violations, three Due Process Clause violations, and five claims of ineffective assistance of trial counsel in violation of the Sixth Amendment. (Doc. 18 at 1-2). After consideration of the issues, Judge Burns concluded that Petitioner's first two claims lack merit and the remaining eight claims are procedurally defaulted. (Doc. 18 at 19-20). Accordingly, Judge Burns recommends the Petition be denied. (Doc. 18 at 20).

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1 Judge Burns advised the parties that they had fourteen days to file objections and
2 that the failure to file timely objections "may result in the acceptance of the Report and
3 Recommendation by the district court without further review." (Doc. 18 at 20) (citing
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). The
5 parties have not filed objections and the time to do so has expired. Absent any
6 objections, the Court is not required to review the findings and recommendations in the
7 R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The relevant provision of the
8 Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), "does not on its face require any
9 review at all . . . of any issue that is not the subject of an objection."); *Reyna-Tapia*, 328
10 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3) ("The district judge must determine de novo
11 any part of the magistrate judge's disposition that has been properly objected to.").

12 Nonetheless, the Court has reviewed the R&R and agrees with its findings and
13 recommendations. The Court will, therefore, accept the R&R and deny the Petition. *See*
14 28 U.S.C. § 636(b)(1)(C) ("A judge of the court may accept, reject, or modify, in whole
15 or in part, the findings or recommendations made by the magistrate judge.");
16 Fed.R.Civ.P. 72(b)(3) (same).

17 Accordingly,

18 **IT IS ORDERED** that Magistrate Judge Burn's R&R (Doc. 18) is **accepted** and
19 **adopted** as the order of this Court.

20 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus
21 pursuant to 28 U.S.C. § 2254 (Doc. 1) is **denied** and **dismissed with prejudice**.

22 **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing
23 Section 2254 Cases, a Certificate of Appealability and leave to proceed *in forma pauperis*
24 on appeal are **denied** because dismissal of the Petition is justified by a plain procedural
25 bar and jurists of reason would not find the procedural ruling debatable, and Petitioner
26 has not made a substantial showing of the denial of a constitutional right.


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IT IS FURTHER ORDERED that the Clerk of Court shall terminate this action and enter judgment accordingly.

Dated this 28th day of July, 2015.



Honorable Diane J. Humetewa
United States District Judge