

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

WO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Dwayne Gregory Harris,
Petitioner,

vs.

Charles L. Ryan, et al.,
Respondents.

No. CV-14-01741-PHX-PGR (MHB)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Burns notwithstanding that no party has filed any objection to the Report and Recommendation, the Court finds that the Magistrate Judge correctly determined that the petitioner's habeas petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed with prejudice as time-barred inasmuch as it was filed over two years after the expiration of the one-year statute of limitations of the AEDPA and the petitioner has made no showing that the limitations period should be equitably tolled. Therefore,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 14) is accepted and adopted by the Court.

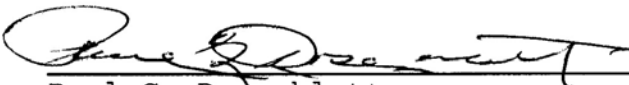
IT IS FURTHER ORDERED that the petitioner's Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied as time-barred and

1 is dismissed with prejudice.

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

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

8 DATED this 14th day of December, 2015.

9
10 
11 Paul G. Rosenblatt
United States District Judge

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26