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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jimmie Lee Ford,
Petitioner,
v.
Charles L. Ryan; et al.,
Respondents.

No. CV-15-00187-PHX-NVW (DKD)

**ORDER
and
DENIAL OF CERTIFICATE OF
APPEALABILITY AND IN FORMA
PAUPERIS STATUS**

Pending before the Court is the Amended Report and Recommendation (“R&R”) of Magistrate Judge David K. Duncan (Doc. 23) regarding petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1), his motion to amend and his additional pending motions. The Amended R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (R&R at 10 (citing 28 U.S.C. § 636(b)(1); Rules 72, 6(a), 6(b), Federal Rules of Civil Procedure.) Petitioner filed objections on January 13, 2016 (Doc. 24).

The Court has considered the objections and reviewed the Amended Report and Recommendation de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court agrees with the Magistrate Judge’s determinations, accepts the recommended decision within the meaning of Rule 72(b), Fed. R. Civ. P., and overrules Petitioner’s objections. *See* 28

1 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole
2 or in part, the findings or recommendations made by the magistrate”).

3 IT IS THEREFORE ORDERED that the Amended Report and Recommendation
4 of the Magistrate Judge (Doc.23) is accepted.


5 IT IS FURTHER ORDERED that Petitioner’s Motion to Stay and Abeyance is
6 denied as moot (Doc. 14).

7 IT IS FURTHER ORDERED that Petitioner’s Motion to Amend is denied as futile
8 (Doc. 16).

9 Having considered the issuance of a Certificate of Appealability from the order
10 denying Petitioner’s Petition for a Writ of Habeas Corpus, a Certificate of Appealability
11 and leave to proceed in forma pauperis on appeal are denied because dismissal of the
12 Petition is justified by a plain procedural bar and jurists of reason would not find the
13 ruling debatable.

14 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying
15 and dismissing Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to 28
16 U.S.C. § 2254 (Doc. 1) with prejudice. The Clerk shall terminate this action.

17 Dated this 14th day of January, 2016.

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21 Neil V. Wake
22 United States District Judge
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