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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Haider H. Abdulla,
Petitioner,
v.
Charles L. Ryan, et al.,
Respondents.

No. CV-15-01487-PHX-DJH
ORDER

This matter is before the Court on Petitioner's Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 15) and the Report and Recommendation ("R&R") issued by United States Magistrate Judge Michelle H. Burns (Doc. 29). Following a jury trial in January and February 2012, Petitioner was convicted of two counts of first-degree murder. (Doc. 15 at 3). He was sentenced to consecutive life terms in prison with the possibility of parole after 25 years. (*Id.*). Petitioner raised four grounds for relief in the Petition, including an alleged violation of his *Miranda* rights in Ground One, and several claims of ineffective assistance of counsel in Grounds Two, Three and Four. (Doc. 15 at 5-6). After consideration of the issues, Judge Burns concluded that Petitioner's *Miranda* claim lacks merit, and that the remaining claims of ineffective assistance of counsel are procedurally defaulted. (Doc. 15 at 28). Accordingly, Judge Burns recommends the Petition be denied and dismissed with prejudice. (*Id.*).

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. 15 at 28-29) (citing
4 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*)). Petitioner
5 has not filed an objection and the time to do so has expired. Respondents have also not
6 filed an objection. Absent any objections, the Court is not required to review the findings
7 and recommendations in the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1989) (The
8 relevant provision of the Federal Magistrates Act, 28 U.S.C. § 636(b)(1)(C), "does not on
9 its face require any review at all . . . of any issue that is not the subject of an objection.");
10 *Reyna-Tapia*, 328 F.3d at 1121 (same); Fed.R.Civ.P. 72(b)(3) ("The district judge must
11 determine de novo any part of the magistrate judge's disposition that has been properly
12 objected to.").

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

18 Accordingly,

19 **IT IS ORDERED** that Magistrate Judge Burns' R&R (Doc. 29) is **accepted** and
20 **adopted** as the order of this Court.

21 **IT IS FURTHER ORDERED** that the Amended Petition for Writ of Habeas
22 Corpus pursuant to 28 U.S.C. § 2254 (Doc. 15) is **denied** and **dismissed with prejudice**.


23 **IT IS FURTHER ORDERED** that pursuant to Rule 11(a) of the Rules Governing
24 Section 2254 Cases, a Certificate of Appealability and leave to proceed *in forma pauperis*
25 on appeal are **denied** because dismissal of the Petition is justified by a plain procedural
26 bar and jurists of reason would not find the procedural ruling debatable, and Petitioner
27 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 26th day of April, 2017.



Honorable Diane J. Humetewa
United States District Judge