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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

William Carl Jack, Jr.,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

No. CV-15-01598-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 because the petitioner did not exhaust any of the claims raised in his habeas petition and he has not demonstrated either cause or prejudice to excuse his procedural default, and he has not shown any fundamental miscarriage of justice, and he has not raised a Martinez claim. Therefore,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 17) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the petitioner’s Petition Under 28 U.S.C. §

1 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and is
2 dismissed with prejudice.

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

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

9 DATED this 16th day of August, 2016.

10
11 
12 Paul G. Rosenblatt
United States District Judge