

1 NOT FOR PUBLICATION  
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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jahmmal Terrel Brumfield,

10 Petitioner,

11 v.

12 Charles L. Ryan, *et al.*,

13 Respondents.  
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No. CV-15-01891-PHX-JJT

**ORDER**

15 At issue is the Report and Recommendation (R&R) (Doc. 14) entered by United  
16 States Magistrate Judge Eileen S. Willett in this matter recommending that the Court  
17 deny and dismiss the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 as  
18 procedurally defaulted. Petitioner filed no objection to the R&R and the time to do so has  
19 now passed. As the R&R warned, Petitioner's failure to object results in the Court  
20 accepting the R&R without further review, and issuing an order of judgment pursuant to  
21 those recommendations. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir.  
22 2003).

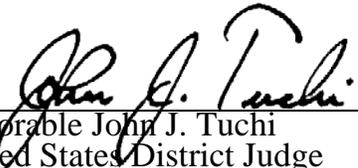
23 Even were the Court to conduct further review, the R&R correctly concluded that  
24 Petitioner admittedly never raised any of the grounds in his Petition to the state court for  
25 post-conviction review and they are therefore not exhausted, and now are procedurally  
26 defaulted. The Court therefore must deny and dismiss the Petition.

27 IT IS ORDERED denying and dismissing the Petition for Writ of Habeas Corpus  
28 pursuant to 28 U.S.C. § 2254.

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IT IS FURTHER ORDERED denying a certificate of appealability and leave to proceed in forma pauperis on appeal in this matter because dismissal of the Petition is justified by a plain procedural bar and reasonable jurists would not find the ruling debatable. The Clerk of Court shall close this matter.

Dated this 31st day of October, 2016.

  
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Honorable John J. Tuchi  
United States District Judge