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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Ernest Lee Coleman,

Petitioner,

vs.

Charles L. Ryan, et al.,

Respondents.

No. CV-16-02964-PHX-PGR (JZB)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Boyle notwithstanding that no party has filed an objection to the Report and Recommendation, the Court finds that the Magistrate Judge correctly concluded that the petitioner’s amended habeas petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed because it was filed after the expiration of the AEDPA’s statute of limitations and the petitioner has made no showing that the limitations period should be equitably tolled, and because it is moot inasmuch as the petitioner has already obtained the relief he requested in his petition, which was his release to community supervision. Therefore,

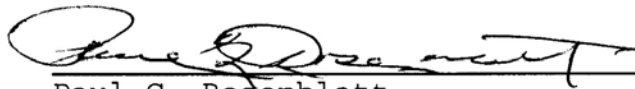
IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 13) is accepted and adopted by the Court.

1 IT IS FURTHER ORDERED that the petitioner's Amended Petition Under 28
2 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (Doc. 6)
3 is denied as being both time-barred and moot, and that this action is dismissed with
4 prejudice.

5 IT IS FURTHER ORDERED that a Certificate of Appealability shall not issue
6 and that leave to appeal *in forma pauperis* is denied because the dismissal of the
7 petitioner's habeas petition is justified by a plain procedural bar and reasonable
8 jurists would not find the ruling debatable.

9 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
10 accordingly.

11 DATED this 22nd day of September, 2017.

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14 Paul G. Rosenblatt
United States District Judge