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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Terrance Andrei Fizer,  
Petitioner,  
v.  
Charles L Ryan, et al.,  
Respondents.

No. CV-16-03174-PHX-ROS  
**ORDER**

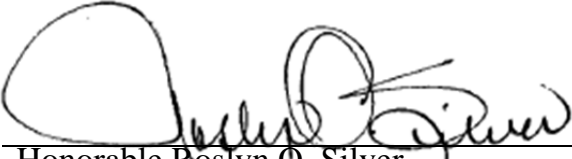
Magistrate Judge John Z. Boyle issued a Report and Recommendation concluding Petitioner Terrance Andrei Fizer’s petition for writ of habeas corpus was filed eight days too late. In his objections Petitioner argues he was unable to file his petition on time because he had been transferred between facilities and he is unfamiliar with “the Arizona Prison System.” (Doc. 11 at 3). These arguments appears to be an attempt to establish equitable tolling. But “the threshold necessary to trigger equitable tolling . . . is very high, lest the exceptions swallow the rule.” *Waldron-Ramsey v. Pacholke*, 556 F.3d 1008, 1011 (9th Cir. 2009) (quotation marks and citation omitted). Petitioner does not explain when his transfer occurred or how it prevented him from filing his petition on time. And Petitioner’s unfamiliarity with the criminal justice system is not sufficient to justify equitable tolling. *See Rasberry v. Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006) (“[A] pro se petitioner’s lack of legal sophistication is not, by itself, an extraordinary circumstance warranting equitable tolling.”).

Accordingly,

1           **IT IS ORDERED** the Report and Recommendation (Doc. 10) is **ADOPTED** and  
2 the Petition for Writ of Habeas Corpus is **DENIED** and **DISMISSED WITH**  
3 **PREJUDICE.**

4           **IT IS FURTHER ORDERED** a Certificate of Appealability and leave to proceed  
5 in forma pauperis on appeal is **DENIED** because the dismissal of the Amended Petition  
6 is justified by a plain procedural bar and jurists of reason would not find the procedural  
7 ruling debatable.

8           Dated this 23rd day of March, 2017.

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13 Honorable Roslyn O. Silver  
14 Senior United States District Judge  
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