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

Tyrone Dejon Avriett,  
Petitioner,

v.

Charles L Ryan, et al.,  
Respondents.

No. CV-16-04265-PHX-ROS

**ORDER**

On May 19, 2016, Magistrate Judge Michelle Burns issued a Report and Recommendation (“R&R”) recommending the petitioner’s motion for stay and abey be denied. (Doc. 15.) The R&R also recommended the petition for writ of habeas corpus be denied and dismissed with prejudice. (*Id.*) No objections were filed.

A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). Where any party has filed timely objections to the R&R, the district court’s review of the part objected to must be *de novo*. *Id.* If, however, no objections are filed, the district court need not conduct such a review. *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). No objections having been filed, the R&R will be adopted in full.

Accordingly,

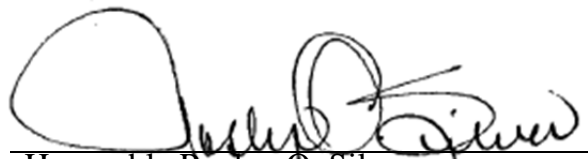
**IT IS ORDERED** the Report and Recommendation (Doc. 15) is **ADOPTED** and the petition for writ of habeas corpus (Doc. 1) is **DENIED with prejudice**.

**IT IS FURTHER ORDERED** petitioner’s motion for stay and abey is **DENIED**.

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**IT IS FURTHER ORDERED** a certificate of appealability and leave to proceed in forma pauperis on appeal are **DENIED** because the dismissal of the petition is justified by a plain procedural bar and jurists of reason would not find the procedural ruling debatable.

Dated this 29th day of September, 2017.

  
Honorable Roslyn O. Silver  
Senior United States District Judge