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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Makale Deng Kual-Arob,
Petitioner,
vs.
Charles L. Ryan, et al.,
Respondents.

No. CV-17-00419-PHX-PGR (JFM)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Metcalf notwithstanding that no party has filed any objections to the Report and Recommendation and the time for doing so has expired, 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 the petitioner has procedurally defaulted his state remedies on all of his grounds for relief, and he has failed to show any cause or actual innocence to excuse his procedural defaults.

Therefore,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 36) is accepted and adopted by the Court.


IT IS FURTHER ORDERED that the petitioner’s Amended Petition Under 28

1 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody (Doc. 15)
2 is denied and that this action is dismissed with prejudice.

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

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

9 DATED this 22nd day of September, 2017.

10
11 
12 Paul G. Rosenblatt
United States District Judge