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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Joe Rodriguez,

10 Petitioner,

11 v.

12 Charles L Ryan, et al.,

13 Respondents.
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No. CV-17-01457-PHX-ROS

ORDER

15 On May 11, 2018, Magistrate Judge Deborah M. Fine issued a Report and
16 Recommendation (“R&R”) recommending the petition for writ of habeas corpus be denied
17 as untimely. (Doc. 19). Someone claiming to be Petitioner then filed a motion for
18 extension of time to file objections. (Doc. 20). The Court granted that request and directed
19 Petitioner to file his objections by June 29, 2018. (Doc. 21). On June 25, someone claiming
20 to be Petitioner filed a “Motion for Reconsideration on: ‘Laches’ Ruling.” (Doc. 22). That
21 document appeared to be objections to the R&R’s conclusion regarding the timeliness of
22 the petition. On July 12, 2018, Petitioner filed a motion requesting another copy of the
23 R&R.

24 On August 16, 2018, the Court adopted the R&R and denied the petition. The Court
25 treated the “Motion for Reconsideration” as Petitioner’s objections to the R&R but
26 concluded the petition was “untimely by approximately twenty years.” (Doc. 25 at 1).
27 There was no need no need to delay final judgment because Petitioner had “already filed
28 objections” and any additional objections would be “successive and untimely.” (Doc. 25

1 at 2). Merely out of an abundance of caution, the Court directed the Clerk of Court to send
2 Petitioner another copy of the R&R. The Clerk of Court did so.

3 On September 20, 2018, Petitioner filed a “Motion to File Objections to R and R
4 Report [sic] and to Re-Open the Case.” According to that motion, Petitioner never received
5 the R&R “so he could not file an objection.” (Doc. 27 at 1). That same day, Petitioner
6 filed another motion seeking a copy of the R&R. (Doc. 28 at 1).

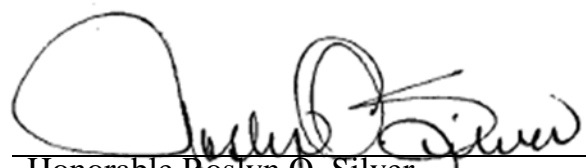
7 To make the record as clear as possible, the Court will direct the Clerk of Court to
8 send Petitioner yet another copy of the R&R. At present, however, Petitioner has not
9 established a basis for reopening his case. Therefore, the request to reopen the case and to
10 allow Petitioner to file additional objections will be denied.

11 Accordingly,

12 **IT IS ORDERED** the Motion for Leave to File Objection and Motion to Reopen
13 Case (Doc. 27) are **DENIED**.

14 **IT IS FURTHER ORDERED** the Motion for Copies (Doc. 28) is **GRANTED**.
15 The Clerk of Court shall send Petitioner a copy of the Report and Recommendation (Doc.
16 19).

17 Dated this 26th day of December, 2018.

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21 Honorable Roslyn O. Silver
22 Senior United States District Judge
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