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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Eric Shaw Gibson,	}	No. CV-17-03763-PHX-SPL
Petitioner,	}	ORDER
v.	}	
Charles L. Ryan, et al.,	}	
Respondents.	}	

The Court has before it, Petitioner’s Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1), the Answer from the Respondents (Doc. 18), and the Petitioner’s Reply. (Doc. 20) Additionally, the Court is in receipt of the Supplement to the Answer from the Respondent (Doc. 23), the Report and Recommendation of the Magistrate Judge (Doc. 24), and the Petitioner’s Objections. (Doc. 27)

In the instant Petition, the Petitioner argues the performance of his trial and appellant counsel were ineffective for several reasons. (Doc. 1 at 6-7) Additionally, the Petitioner argues defective charging in the initial stages due to him receiving an Information and Direct Complaint instead of an Indictment. (Id. at 8)

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). When a party files a timely objection to an R&R, the district judge reviews *de novo* those portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b). A proper objection requires specific written objections to the findings and recommendations in the R&R. *See United*

1 *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It
2 follows that the Court need not conduct any review of portions to which no specific
3 objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also Thomas v. Arn*, 474
4 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review is judicial
5 economy). Further, a party is not entitled as of right to *de novo* review of evidence or
6 arguments which are raised for the first time in an objection to the R&R, and the Court's
7 decision to consider them is discretionary. *United States v. Howell*, 231 F.3d 615, 621-622
8 (9th Cir. 2000).

9 The Court has carefully undertaken an extensive review of the sufficiently
10 developed record. The Petitioner's objections to the findings and recommendations have
11 also been thoroughly considered.

12 After conducting a *de novo* review of the issues and objections, the Court reaches
13 the same conclusions reached by Judge Metcalf. Having carefully reviewed the record, the
14 Petitioner has not shown that he is entitled to habeas relief. The R&R will be adopted in
15 full. Accordingly,

16 **IT IS ORDERED:**

17 1. That the Magistrate Judge's Report and Recommendation (Doc. 24) is
18 **accepted** and **adopted** by the Court;

19 2. That the Petitioner's Objections (Doc. 27) are **overruled**;

20 3. That the Petition for Writ of Habeas Corpus (Doc. 1) is **denied** and this action
21 is **dismissed with prejudice**;

22 4. That a Certificate of Appealability and leave to proceed *in forma pauperis*
23 on appeal are **denied** because the dismissal of the Petition is justified by a plain procedural
24 bar and reasonable jurists would not find the ruling debatable; and

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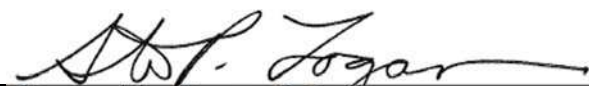
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5. That the Clerk of Court shall enter judgment accordingly and **terminate** this action.

Dated this 11th day of July 2019.


Honorable Steven P. Logan
United States District Judge