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

Dowan Hall,
Petitioner,
v.
Charles L. Ryan, *et al.*,
Respondents.

No. CV-17-04118-PHX-JJT (MHB)

ORDER

At issue is the Report and Recommendation (“R&R”) (Doc. 12) submitted by United States Magistrate Judge Michelle H. Burns, recommending that the Court deny and dismiss as untimely the Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. (Doc. 1.) In the R&R, Judge Burns warned the parties they had fourteen days after its issuance on November 30, 2018, to file any objections thereto, and if none were filed, the Court may accept the R&R without further review. (Doc. 12 at 7-8.) *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121, 1128 (9th Cir. 2003). Petitioner has filed no objections and the time to do so has long passed. The Court is thus entitled to accept the R&R and dismiss the Petition.

Even upon an independent review of the merits, however, the Court concludes Judge Burns’ analysis and recommendation are correct. The Arizona Court of Appeals affirmed Petitioner’s convictions and sentences November 4, 2010. They became final for purposes of seeking collateral review thirty days later—on December 6, 2010. The limitations period for initiating these proceedings started running that day, and expired one year later absent

1 tolling, on December 6, 2011. Petitioner did not file his Petition until November 8, 2017.
2 His Petition is thus nearly six years late and he presents no basis for the application of
3 statutory or equitable tolling of that deadline, as Judge Burns concluded.

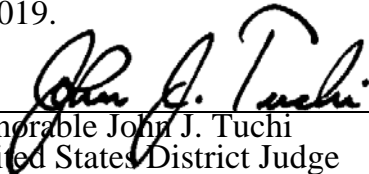
4 IT IS ORDERED adopting in full the R&R in this matter. (Doc. 12.)

5 IT IS FURTHER ORDERED denying and dismissing with prejudice the Petition
6 for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. (Doc. 1.)

7 IT IS FURTHER ORDERED denying a Certificate of Appealability or leave to
8 proceed *in forma pauperis* on appeal. The Court finds the dismissal of the Petition is
9 justified by a plain procedural bar, and that jurists of reason would not find the procedural
10 ruling debatable.

11 IT IS FURTHER ORDERED directing the Clerk of Court to terminate this matter.

12 Dated this 11th day of February, 2019.

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14 _____
15 Honorable John J. Tuchi
16 United States District Judge
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