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

Michael Anthony Jefferson,
Petitioner,
v.
Charles L. Ryan, *et al.*,
Respondents.

No. CV-17-04197-PHX-JJT (ESW)
ORDER

At issue is the Report and Recommendation (Doc. 22) (“R&R”) submitted by United States Magistrate Judge Eileen S. Willett in this matter recommending that the Court deny and dismiss with prejudice the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). Petitioner has filed timely Objections to the R&R (Doc. 24), as well as an Application for Certificate of Appealability from the District Court (Doc. 25). Upon consideration of all of the above, the Court will overrule the Objections, adopt the R&R and dismiss the Petition.

Judge Willett’s R&R thoroughly and exhaustively analyzed each of the five bases on which Petitioner claimed ineffective assistance of his former counsel in the underlying matter, and correctly concluded that none of those five claims met the standard for ineffective assistance set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). For the reasons set forth in abundant detail in the R&R, Judge Willett correctly concludes that in none of the five instances argued does Petitioner satisfy either prong of *Strickland*: there is no showing of either objectively deficient performance by counsel or prejudice. Indeed in

1 Grounds Four and Five, Petitioner's proffered courses of action all would have been
2 outright futile. To wit: the fruits of a search that Petitioner had to consent to as a condition
3 of probation (Ground Four) cannot as a matter of law be suppressed as unconstitutionally
4 obtained. Similarly, it is hornbook law that jail calls (Ground Five) are not testimonial in
5 nature and therefore their introduction into evidence at trial does not violate the
6 confrontation clause. Moreover, Judge Willett correctly concluded that the state court's
7 own application of the *Strickland* standard was not unreasonable.

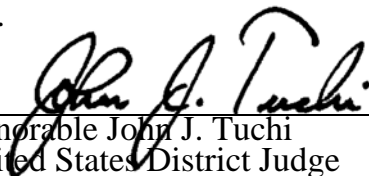
8 Petitioner's Objections merely re-argue precisely what he stated in his Petition.
9 They raise nothing that calls into question Judge Willett's reasoning. And they similarly
10 ignore the law set forth in the R&R. Accordingly,

11 IT IS ORDERED overruling the Objections (Doc. 24) and adopting in whole the
12 R&R (Doc. 22).

13 IT IS FURTHER ORDERED denying and dismissing with prejudice the Petition
14 for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1). The Clerk of Court shall
15 enter judgment accordingly and close this matter.

16 IT IS FURTHER ORDERED denying Petitioner's Application for Certificate of
17 Appealability (Doc. 25) and leave to proceed *in forma pauperis* in this matter. Petitioner
18 has not made a substantial showing of the denial of a constitutional right in his claims for
19 relief.

20 Dated this 8th day of March, 2019.

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22 _____
23 Honorable John J. Tuchi
24 United States District Judge
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