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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Steven James Puleo,)	No. CV 19-05402-PHX-SPL
)	
Petitioner,)	ORDER
v.)	
)	
David Shinn, 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 Limited Answer from the Respondents (Doc. 10), and the Petitioner’s Supplement. (Doc. 11) Additionally, the Court is in receipt of the Report and Recommendation of the Magistrate Judge (Doc. 12), and the Petitioner’s Objections. (Doc. 13)

In the instant Petition, the Petitioner alleges: (1) due process violations; (2) ineffective assistance of counsel based on trial counsel; (3) Fourth Amendment violation; (4) Fourteenth Amendment violation. (Doc. 1 at 6-10)

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 States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It

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

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

11 After conducting a *de novo* review of the issues and objections, the Court reaches
12 the same conclusions reached by Judge Bibles. Having carefully reviewed the record, the
13 Petitioner failed to show that extraordinary circumstances or that newly discovered and
14 reliable evidence of actual innocence were the proximate cause of the untimely filing as
15 previously addressed in *Spitsyn v. Moore*, 345 F.3d 796, 799 (9th Cir. 2003). Furthermore,
16 the Petitioner simply failed to file the federal habeas petition in a timely manner. The
17 Petitioner is not entitled to equitable tolling or habeas relief. The R&R will be adopted in
18 full. Accordingly,

19 **IT IS ORDERED:**

20 1. That the Magistrate Judge's Report and Recommendation (Doc. 12) is
21 **accepted** and **adopted** by the Court;

22 2. That the Petitioner's Objections (Doc. 13) are **overruled**;

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

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

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

Dated this 14th day of October, 2020.


Honorable Steven P. Logan
United States District Judge