

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Donald W. Purcell,	}	No. CV 24-01455-PHX-SPL
	}	
Petitioner,	}	<b>ORDER</b>
v.	}	
	}	
Ryan Thornell, et al.,	}	
	}	
Respondents.	}	
<hr style="border: 0.5px solid black;"/>		

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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. 14) and a Response and Supplemental Reply from the Petitioner. (Docs. 17, 18) Additionally, the Report and Recommendation of the Magistrate Judge (Doc. 19), and the Petitioner’s Objections, (Doc. 20) have also been considered, along with the Respondent’s Reply to the Petitioner Objections. (Doc.21)

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 follows that the Court need not conduct any review of portions to which no specific objection has been made. *See Reyna-Tapia*, 328 F.3d at 1121; *see also Thomas v. Arn*, 474

1 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review is judicial  
2 economy). Further, a party is not entitled as of right to *de novo* review of evidence or  
3 arguments which are raised for the first time in an objection to the R&R, and the Court's  
4 decision to consider them is discretionary. *United States v. Howell*, 231 F.3d 615, 621-622  
5 (9th Cir. 2000).

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

9 After conducting a *de novo* review of the issues and objections, the Court reaches  
10 the same conclusions reached by the Magistrate Judge. The R&R will be adopted in full.  
11 Accordingly,

12 **IT IS ORDERED:**

13 1. That the Magistrate Judge's Report and Recommendation (Doc. 19) is  
14 **accepted** and **adopted** by the Court.


15 2. That the Petitioner's Objections (Doc. 20) are **overruled**.

16 3. That the Petition for Writ of Habeas Corpus (Doc. 1) is **denied**, and this  
17 action is **dismissed with prejudice**.

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

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

23 Dated this 21st day of November 2024.

24   
25 Honorable Steven P. Logan  
26 United States District Judge  
27  
28