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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Edward James Barger,  
Petitioner,  
vs.  
Charles L. Ryan, et al.,  
Respondents.

No. CV-11-8034-PCT-FJM

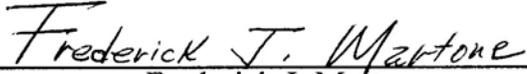
**ORDER**

The court has before it petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (doc. 1), respondents’ answer (doc. 15), and the Report and Recommendation of the United States Magistrate Judge, recommending that the petition for writ of habeas corpus be denied and dismissed with prejudice (doc. 16). The petitioner did not object to the Report and Recommendation and the time for doing so has expired.

Pursuant to Rule 8(b), Rules Governing § 2254 Cases, we accept the recommended decision of the United States Magistrate Judge. Therefore, **IT IS ORDERED DENYING AND DISMISSING** with prejudice the petition for writ of habeas corpus (doc. 1).

Because petitioner has not made a substantial showing of the denial of a constitutional right and because the dismissal of the petition is justified by a plain procedural bar and jurists of reason would not find the procedural ruling debatable, **IT IS FURTHER ORDERED DENYING** a certificate of appealability and leave to proceed *in forma pauperis* on appeal.

DATED this 25<sup>th</sup> day of January, 2012.

  
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Frederick J. Martone  
United States District Judge