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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Brandon Williams Tsosie,  
Petitioner,

vs.

Charles L. Ryan, et al.,  
Respondents.

No. CV-16-08003-PCT-PGR (JZB)

ORDER

Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Boyle, filed on August 19, 2016, notwithstanding that no party has filed any objection to the Report and Recommendation, the Court finds that the Magistrate Judge correctly determined that the petitioner’s habeas corpus petition, filed pursuant to 28 U.S.C. § 2254, should be dismissed as time-barred because it was filed over two years after the expiration of the AEDPA’s one-year statute of limitations and the petitioner has made no legally sufficient showing that the limitations period should be equitably tolled. Therefore,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation (Doc. 14) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the petitioner’s Petition Under 28 U.S.C. §

1 2254 for a Writ of Habeas Corpus by a Person in State Custody is denied and that  
2 this action is dismissed with prejudice.

3 IT IS FURTHER ORDERED that a Certificate of Appealability shall not issue  
4 and that leave to appeal *in forma pauperis* is denied because the dismissal of the  
5 petitioner's § 2254 petition is justified by a plain procedural bar and reasonable  
6 jurists would not find the ruling debatable.

7 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment  
8 accordingly.

9 DATED this 17<sup>th</sup> day of October, 2016.

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12 Paul G. Rosenblatt  
United States District Judge