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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Jose Jesus Ramirez,  
Petitioner,  
v.  
Charles L. Ryan, et al.,  
Respondents.

No. CV-16-08224-PCT-DLR-(ESW)

**ORDER  
and  
DENIAL OF CERTIFICATE OF  
APPEALABILITY AND IN FORMA  
PAUPERIS STATUS**

Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Eileen S. Willett (Doc. 24) regarding Petitioner Jose Jesus Ramirez’s Amended Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 4). The R&R recommends that the Petition be denied and dismissed with prejudice. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R. (Doc. 24 at 37 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6 and 72).) Petitioner filed an objection on March 26, 2018 (Doc. 33), and Respondent filed a response to the objection on April 6, 2018 (Doc. 34).

The Court has considered Petitioner’s objections, Respondents’ Response and reviewed the R&R de novo. *See* Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1) (stating that the court must make a de novo determination of those portions of the Report and Recommendation to which specific objections are made). The Court agrees with the Magistrate Judge’s determination that Ground 9 is not cognizable in this proceeding and

1 that all other claims set forth in the Amended Petition are procedurally defaulted except  
2 for Grounds 1, 8(b)(iii), (iv), and (v), which are without merit. Petitioner's objections do  
3 not identify specific areas of the R&R which should not be accepted. Petitioner's  
4 objections are general or merely summarize and reiterate the arguments made in the  
5 Amended Petition.

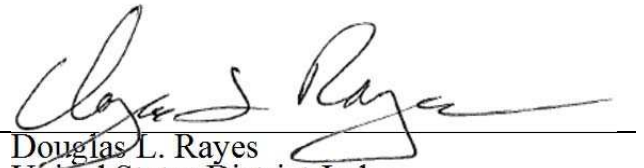
6 The Court accepts the recommended decision within the meaning of Rule 72(b),  
7 Fed. R. Civ. P., and overrules Petitioner's objections. *See* 28 U.S.C. § 636(b)(1) (stating  
8 that the district court "may accept, reject, or modify, in whole or in part, the findings or  
9 recommendations made by the magistrate").

10 **IT IS ORDERED** that the Magistrate Judge's R&R (Doc.24) is **ACCEPTED**.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court enter judgment  
12 denying and dismissing Petitioner's Amended Petition for Writ of Habeas Corpus filed  
13 pursuant to 28 U.S.C. § 2254 (Doc. 4) with prejudice. The Clerk shall terminate this  
14 action.

15 Having considered the issuance of a Certificate of Appealability from the order  
16 denying Petitioner's Petition for a Writ of Habeas Corpus, a Certificate of Appealability  
17 and leave to proceed in forma pauperis on appeal are **DENIED** because the dismissal of  
18 the Petition is justified by a plain procedural bar and reasonable jurists would not find the  
19 ruling debatable, and because Petitioner has not made a substantial showing of the denial  
20 of a constitutional right.

21 Dated this 7th day of May, 2018.

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25 Douglas L. Rayes  
United States District Judge