



1 Appeals' denial of post-conviction relief. (Doc. 18).

2 The Court reviews this portion of the Recommendation de novo, United States v.  
3 Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) ( en banc ), and finds Respondent's  
4 arguments unpersuasive. As explained in Celaya v. Stewart, 691 F.Supp.2d 1046 (D.Ariz.  
5 2010), the statute of limitations in habeas cases is tolled pending resolution of post-  
6 conviction proceedings. In Arizona, if the Arizona Court of Appeals grants review but  
7 denies relief, a petition for post-conviction relief is final after the required mandate issues.  
8 Id. at 1053-54. The Court adopts the Recommendation as to this issue.

9 No other objections remaining, the Court reviews the remainder of the  
10 Recommendation for clear error. See Advisory Committee Notes to Fed.R.Civ.P. 72 (citing  
11 Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.1974)). Finding none, the  
12 Court adopts the Recommendation as to the remaining issues. Accordingly,

13 The Court **ACCEPTS** the Recommendation of Magistrate Judge Velasco. (Doc. 17).

14 **IT IS ORDERED** that the Petitioner is **DENIED**. (Doc. 3).

15 **IT IS FURTHER ORDERED** denying Petitioner a Certificate of Appealability  
16 because reasonable jurists would not find it debatable whether the Court was correct in its  
17 procedural rulings, that the petition should have been resolved in a different manner, or that  
18 the issues presented were "adequate to deserve encouragement to proceed further." Slack  
19 v. McDaniel, 529 U.S. 473, 484 (2000).

20 DATED this 17th day of April, 2012.

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24 **Raner C. Collins**  
25 **United States District Judge**