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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Patrick Allen Rundhaug,)	No. CV11-770-TUC-FRZ
Petitioner,)	ORDER
vs.)	
Charles L. Ryan, et al.,)	
Respondents.)	

Before the Court for consideration is the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 filed by Petitioner Patrick Allen Rundhaug, *pro se*, and the Report and Recommendation of the Magistrate Judge, recommending the Court, after an independent review or the record, dismiss the Petition with prejudice.

Petitioner was indicted in Pima County Superior Court in September 1999 on 17 felony counts of theft, criminal impersonation, forgery, and fraudulent scheme and artifice. Following his plea of guilt to fraudulent scheme and artifice and theft, class 2 and class 5 felonies respectively, the trial court sentenced him to a seven-year term of probation and ordered him to pay restitution.

Then in 2000, Petitioner was charged in three separate cases with various counts. Pursuant to a subsequent plea agreement, Petitioner pled guilty to “super “ fraudulent scheme and artifice and sentenced to a partially aggravated prison term of six years. The trial court ordered that the probation term imposed in the be previous case be tolled while Petitioner served the six year term of imprisonment.

1 On appeal however, the Arizona Court of Appeals found that the trial lacked
2 jurisdiction to toll the sentence term of probation, thereby vacating the order.

3 Petitioner filed the present Petition for Writ of Habeas Corpus on November, 30,
4 2011. The Petition raises 24 grounds for relief, as set forth in the Court's initial screening
5 order (Doc. 5) and discussed in the Report and Recommendation (Doc. 25).

6 This matter was referred to Magistrate Judge Jacqueline M. Rateau, pursuant to the
7 provisions of 28 U.S.C. § 636(b), Rule 72, Fed.R.Civ.P., and Local Rules 72.1 and 72.2 of
8 the Rules of Practice of the United States District Court for the District of Arizona, for
9 further proceedings and Report and Recommendation.

10 Magistrate Judge Rateau issued her Report and Recommendation, recommending that
11 the District Court dismiss the Petition for Writ of Habeas Corpus, setting forth a thorough
12 factual and procedural history and analysis of the legal standards regarding timeliness and
13 procedural default under the relevant provisions of the Antiterrorism and Effective Death
14 Penalty Act of 1996 and a legal analysis on the merits of Grounds Four, Eight, Nine, Twelve
15 and Sixteen.

16 Petitioner filed an Objection to Report and Recommendation (Doc. 26), challenging
17 the Magistrate Judge's procedural findings and legal conclusions on Grounds Four, Eight,
18 Ten, Eleven, Twelve and Sixteen.

19 The Court finds, after consideration of all the matters presented and an independent
20 review of the record herein, including the issues raised by the Petitioner in his objection, that
21 the Petition for a Writ of Habeas Corpus shall be denied and this action shall be dismissed
22 in accordance with the Report and Recommendation.

23 Accordingly,

24 **IT IS HEREBY ORDERED** that the Report and Recommendation (Doc. 25) is
25 hereby ACCEPTED AND ADOPTED as the findings of fact and conclusions of law by this
26 Court;

27 **IT IS FURTHER ORDERED** that the Petition for Writ of Habeas Corpus (Doc. 1)
28 is DENIED and this action is hereby DISMISSED;

