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

Phillip Morris,

Petitioner,

v.

Charles L. Ryan, et al.,

Respondents.

No. CV-13-01313-TUC-CKJ

ORDER

On July 1, 2016, Magistrate Judge Lynnette C. Kimmins issued a Report and Recommendation in which she recommended that the *Pro Se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 be denied. (Doc. 27.) The Report and Recommendation found that the Petition was untimely because it was not filed until October 7, 2013. Under the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), the Petition should have been filed no later than one year from September 13, 2011, which is the date when Petitioner's conviction became final. (*Id.* at 3-4.) The Report and Recommendation also concluded that Petitioner was not entitled to equitable tolling for the late filed Post-Conviction Relief Petition. (*Id.* at 4-6.)

The Report and Recommendation notified the parties that they had fourteen days to file any objections. No objections have been filed.

The Court reviews de novo any objected-to portions of the Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The Court reviews for clear error the unobjected-to portions of the Report and Recommendation. *Johnson v.*

1 *Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999); *see also, Conley v. Crabtree*, 14
2 F.Supp.2d 1203, 1204 (D. Or. 1998).

3 The Court has reviewed and considered the *Pro Se* Petition for Writ of Habeas
4 Corpus Under 28 U.S.C. § 2254; the Limited Answer to the Petition¹; the exhibits, and
5 the Report and Recommendation. The Court finds no error.

6 Accordingly, after an independent review, IT IS ORDERED:

- 7 1. The Report and Recommendation (Doc. 27) is ADOPTED;
8 2. The *Pro Se* Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 is
9 DENIED.

10 Dated this 12th day of August, 2016.

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14 Honorable Cindy K. Jorgenson
15 United States District Judge
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¹ Petitioner filed no reply.