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

Martin Leon Corral,  
Petitioner,

v.

Charles Ryan, et al.,  
Respondents.

No. CV-16-00640-TUC-JGZ

**ORDER**

Pending before the Court is a Report and Recommendation issued by United States Magistrate Judge D. Thomas Ferraro. (Doc 17.) Magistrate Judge Ferraro recommends dismissing Petitioner's § 2254 Amended Petition for Writ of Habeas Corpus because Petitioner fails to sufficiently allege any ground for federal habeas relief. Magistrate Judge Ferraro recommends, in the alternative, that Ground Two be denied on the merits. (*Id.*)

A review of the record reflects that the parties have not filed any objections to the Report and Recommendation and the time to file objections has expired. As such, the Court will not consider any objections or new evidence.

Upon review of the record, the Court will adopt Magistrate Judge Ferraro's recommendations. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Thomas v. Arn*, 474 U.S. 140, 149–54 (1985).

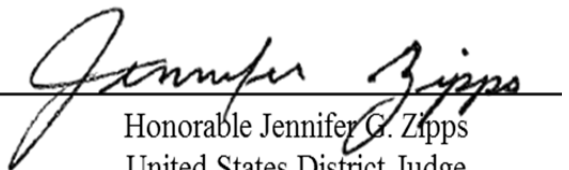
Before Petitioner can appeal this Court's judgment, a certificate of appealability (COA) must issue. *See* 28 U.S.C. §2253(c); Fed. R. App. P. 22(b)(1); Rule 11(a) of the

1 Rules Governing Section 2254 Cases. “The district court must issue or deny a  
2 certification of appealability when it enters a final order adverse to the applicant.” Rule  
3 11(a) of the Rules Governing Section 2254 Cases. Pursuant to 28 U.S.C. § 2253(c)(2), a  
4 COA may issue only when the petitioner “has made a substantial showing of the denial of  
5 a constitutional right.” The court must indicate which specific issues satisfy this  
6 showing. *See* 28 U.S.C. §2253(c)(3). With respect to claims rejected on the merits, a  
7 petitioner “must demonstrate that reasonable jurists would find the district court’s  
8 assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S.  
9 473, 484 (2000). For procedural rulings, a COA will issue only if reasonable jurists could  
10 debate whether the petition states a valid claim of the denial of a constitutional right and  
11 whether the court’s procedural ruling was correct. *Id.* Applying these standards, the  
12 Court concludes that a certificate should not issue, as the resolution of the petition is not  
13 debatable among reasonable jurists. Accordingly,

14 IT IS ORDERED that:

- 15 1. Magistrate Judge Ferraro’s Report and Recommendation (Doc. 17) is  
16 ADOPTED;
- 17 2. Petitioner’s Amended Petition for Writ of Habeas Corpus (Doc. 4) is  
18 DENIED;
- 19 3. The Clerk of Court shall enter judgment accordingly and close the file in  
20 this action.

21 Dated this 18th day of July, 2018.

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25 Honorable Jennifer G. Zipp  
26 United States District Judge  
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