

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BRYCE FRANKLIN,

Petitioner,

vs.

No. 2:22-cv-0699 RB/GJF

RONALD MARTINEZ and
ATTORNEY GENERAL FOR
THE STATE OF NEW MEXICO,

Respondents.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER is before the Court on United States Magistrate Judge Gregory J. Fouratt's Proposed Findings and Recommended Disposition (PFRD) filed February 11, 2025. (Doc. 48.) Judge Fouratt examined Franklin's Petition Under 28 U.S.C. § 2254 (Doc. 1) and recommends denying it and dismissing this case with prejudice. (*See* Doc. 48 at 1–2.) He also recommends denying as moot Franklin's Renewed Motion for Appointment of Counsel (Doc. 38), Franklin's Motion for Temporary Stay for Time Limit to File Reply (Doc. 43), and Franklin's Motion to Enforce July 2, 2024 Order (Doc. 44). (*See* Doc. 48 at 1.) Judge Fouratt notified the parties of their ability to file objections no later than 14 days after the PFRD was filed. (*Id.* at 43.) Four weeks have passed. Respondents filed a notice of non-objection (Doc. 49), and Franklin has not filed objections. As no party filed objections within the time allowed, the Court concludes that appellate review has been waived.

IT IS THEREFORE ORDERED that the PFRD (Doc. 48) is **ADOPTED**;

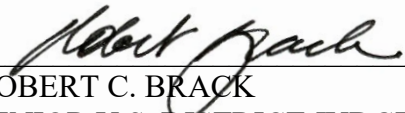
IT IS FURTHER ORDERED that the Court finds Franklin's Petition (Doc. 1) is untimely, is not subject to tolling, is insufficient to state a claim for habeas relief, and will thus be **DENIED**.

IT IS FURTHER ORDERED that the Renewed Motion for Appointment of Counsel (Doc. 38); Motion for Temporary Stay for Time Limit to File Reply (Doc. 43); and Motion to Enforce July 2, 2024 Order (Doc. 44) are **DENIED as moot**.

IT IS FURTHER ORDERED this matter is **DISMISSED with prejudice**.

IT IS FURTHER ORDERED that a Certificate of Appealability is **DENIED**.

IT IS SO ORDERED.



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE