

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jermain e Lamar Rutledge v. Ryan Thornell, et al.

Rutledge v. Thornell · No. CV-25-01947-PHX-SPL · Decided March 27, 2026

SUMMARY

The United States District Court for the District of Arizona adopted the Magistrate Judge’s Report and Recommendation in a habeas corpus action under 28 U.S.C. § 2254. The court overruled the petitioner’s objections, denied his motion to stay and renewed request for appointment of counsel, and dismissed the amended petition with prejudice. The court also denied a certificate of appealability and leave to proceed in forma pauperis on appeal.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 27, 2026
DOCKET	CV-25-01947-PHX-SPL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning an amended petition for a writ of habeas corpus under 28 U.S.C. § 2254, a motion to stay pending exhaustion of state remedies, and related requests for appointed counsel.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the district judge reviews de novo those portions of a magistrate judge's Report and Recommendation to which specific, timely objections are made. The court need not review portions to which no specific objection is made, and consideration of arguments or evidence raised for the first time in objections is discretionary.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation or stated precedential designation.
PARTIES	Jermain e Lamar Rutledge v. Ryan Thornell, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- pleadings
- civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. What standard of review governs the district court's consideration of objections to the magistrate judge's Report and Recommendation?
2. Whether the Report and Recommendation should be adopted and the amended § 2254 petition denied.
3. Whether proceedings should be stayed pending exhaustion of state-court remedies.
4. Whether Rutledge should receive appointed counsel, a certificate of appealability, or leave to proceed in forma pauperis on appeal.

HOLDINGS

1. A district judge reviews de novo the portions of a magistrate judge's Report and Recommendation that are properly and specifically objected to, while portions lacking specific objections need not be reviewed.
2. A party is not entitled as of right to de novo review of evidence or arguments raised for the first time in objections to a Report and Recommendation; whether to consider them is discretionary.
3. The Report and Recommendation was adopted in full; the motion to stay and amended § 2254 petition were denied, and the action was dismissed with prejudice.
4. A certificate of appealability and leave to proceed in forma pauperis on appeal were denied.

KEY QUOTATIONS

“When a party files a timely objection to an R&R, the district judge reviews de novo those portions of the R&R that have been ‘properly objected to.’” (1)

“Further, a party is not entitled as of right to de novo review of evidence or arguments which are raised for the first time in an objection to the R&R, and the Court’s decision to consider them is discretionary.” (1)

FACTUAL BACKGROUND

Rutledge filed an amended state-prisoner habeas petition under 28 U.S.C. § 2254 and sought a stay while pursuing state-court remedies. Respondents filed an answer, and Rutledge filed a reply and objections to the magistrate judge's Report and Recommendation. The district court also considered Rutledge's renewed request for appointment of counsel.

PROCEDURAL HISTORY

Rutledge originally filed the habeas petition on June 4, 2025, and later filed an amended petition. Respondents answered, Rutledge replied, and a magistrate judge issued a Report and Recommendation. After reviewing Rutledge's objections de novo, the district court adopted the Report and Recommendation in full, denied the renewed request for appointed counsel and motion to stay, denied the amended habeas petition, dismissed the action with prejudice, and denied a certificate of appealability and leave to proceed in forma pauperis on appeal.

DISPOSITION

dismissed

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- United States v. Howell, 231 F.3d 615, 621-622 (9th Cir. 2000)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA
Jermain e Lamar Rutledge,) No. CV-25-01947-PHX-SPL)
Petitioner,)
ORDER vs.))
Ryan Thornell, et al.,)
Respondents.))
Before the Court is
Petitioner’s Amended Petition¹ for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 6), the Answer from the Respondents (Doc.

15), and a Reply from the Petitioner (Doc. 16). Also pending before the Court is Petitioner’s Motion to Stay Proceedings Pending Exhaustion of State-Court Remedies (Doc. 3), the Response (Doc. 14), and Petitioner’s Reply (Doc. 16). Additionally, the Court has also considered the Report and Recommendation (“R&R”) from the Magistrate Judge (Doc. 17) and Petitioner’s Objections (Doc.

18). A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). When a party files a timely objection to an R&R, the district judge reviews de novo those portions of the R&R that have been “properly objected to.” Fed. R. Civ. P. 72(b). A proper objection requires specific written objections to the findings and recommendations in the R&R.

The Petition was originally filed on June 4, 2025. (Doc. 1). *States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It follows that the Court need not conduct any review of portions to which no specific objection has been made. See *Reyna-Tapia*, 328 F.3d at 1121; see also *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (discussing the inherent purpose of limited review is judicial economy).

Further, a party is not entitled as of right to de novo review of evidence or arguments which are raised for the first time in an objection to the R&R, and the Court’s decision to consider them is discretionary. *United States v. Howell*, 231 F.3d 615, 621-622 (9th Cir. 2000). The Court has carefully undertaken an extensive review of the sufficiently developed record.

The Petitioner’s nine objections to the findings and recommendations have also been thoroughly considered. After conducting a de novo review of the issues and objections, the

Court reaches 13 the same conclusions reached by the Magistrate Judge.

In addition, the Court has 14 considered Petitioner’s renewed request for appointment of counsel, contained in his 15 Objections (Doc. 18 at 11–12), and will deny the request for the same reasons that the Court 16 denied Petitioner’s initial request for appointment of counsel. (Doc. 9 at 2–3).

The R&R 17 will be adopted in full. 18 Accordingly, 19 IT IS ORDERED: 20 1. That the Magistrate Judge’s Report and Recommendation (Doc. 17) is 21 accepted and adopted by the Court; 22 2. That the Petitioner’s Objections (Doc. 18) are overruled; 23 3. That Petitioner’s Renewed Request for Appointment of Counsel (Doc. 18 at 24 11–12) is denied; 25 4. That Petitioner’s Motion to Stay (Doc.

3) is denied; 26 5. The Amended Petition for Writ of Habeas Corpus (Doc. 6) is denied, and 27 this action is dismissed with prejudice. 28 6. That a Certificate of Appealability and leave to proceed in forma pauperis 1 | on appeal are denied; and 2 7. That the Clerk of Court shall enter judgment accordingly and terminate this 31 action. 4 Dated this 27th day of March, 2026.

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