

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Jermaine 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.

OPINION

1 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 Jermaine Lamar Rutledge,) No. CV-25-01947-PHX-SPL) 9) 10 Petitioner,)
ORDER vs.)) 11) Ryan Thornell, et al.,) 12) 13 Respondents.)) 14) 15 Before the Court is
Petitioner’s Amended Petition¹ for Writ of Habeas Corpus 16 pursuant to 28 U.S.C. § 2254 (Doc.
6), the Answer from the Respondents (Doc.

15), and a 17 Reply from the Petitioner (Doc. 16). Also pending before the Court is Petitioner’s
Motion 18 to Stay Proceedings Pending Exhaustion of State-Court Remedies (Doc. 3), the
Response 19 (Doc. 14), and Petitioner’s Reply (Doc. 16). Additionally, the Court has also
considered 20 the Report and Recommendation (“R&R”) from the Magistrate Judge (Doc. 17) and
21 Petitioner’s Objections (Doc.

18). 22 A district judge “may accept, reject, or modify, in whole or in part, the findings or 23
recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). When a party files a 24
timely objection to an R&R, the district judge reviews de novo those portions of the R&R 25 that
have been “properly objected to.” Fed. R. Civ. P. 72(b). A proper objection requires 26 specific
written objections to the findings and recommendations in the R&R.

See United 27 28 1 The Petition was originally filed on June 4, 2025. (Doc. 1). 1 States v. Reyna-
Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It 2 follows that the Court
need not conduct any review of portions to which no specific 3 objection has been made. See
Reyna-Tapia, 328 F.3d at 1121; see also Thomas v. Arn, 474 4 U.S. 140, 149 (1985) (discussing
the inherent purpose of limited review is judicial 5 economy).

Further, a party is not entitled as of right to de novo review of evidence or 6 arguments which are
raised for the first time in an objection to the R&R, and the Court’s 7 decision to consider them is

discretionary. *United States v. Howell*, 231 F.3d 615, 621-622 8 (9th Cir. 2000). 9 The Court has carefully undertaken an extensive review of the sufficiently 10 developed record.

The Petitioner's nine objections to the findings and recommendations 11 have also been thoroughly considered. 12 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.

5 7 United States District lidge 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28