

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

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.

See *United 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 the same conclusions reached by the Magistrate Judge.

In addition, the Court has considered Petitioner’s renewed request for appointment of counsel, contained in his 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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