

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

White v. Thornell

White · No. CV-25-08042-PCT-ROS · Decided March 25, 2026

SUMMARY

The United States District Court for the District of Arizona adopted a magistrate judge’s Report and Recommendation and denied Timothy White’s 28 U.S.C. § 2254 habeas petition with prejudice. The court held that some claims were procedurally defaulted, the Fourth Amendment claims were non-cognizable under *Stone v. Powell*, and the ineffective-assistance claim failed on the merits; it also denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Roslyn O. Silver
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 25, 2026
DOCKET	CV-25-08042-PCT-ROS
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. The district court reviewed and adopted the magistrate judge's Report and Recommendation because neither party filed objections, denied and dismissed the petition with prejudice, entered judgment for respondents, and denied a certificate of appealability.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), the district court reviews objected-to portions of a magistrate judge's report de novo; when no objections are filed, the court need only review the magistrate judge's legal conclusions de novo and may accept, reject, or modify the recommendations. The court also applied the federal habeas standards governing procedural default, Fourth Amendment cognizability under <i>Stone v. Powell</i> , ineffective assistance under <i>Strickland v. Washington</i> , and certificates of appealability under 28 U.S.C. § 2253(c)(2).
PARTIES	Timothy White v. Ryan Thornell, et al.

QUESTIONS PRESENTED

1. Whether the claims in Grounds 1(a), 2(b), and 4 were procedurally defaulted and whether White established cause and prejudice or a miscarriage of justice based on actual innocence to excuse the

defaults.

2. Whether the Fourth Amendment claims in Grounds 2(a) and 3 were cognizable in federal habeas proceedings when the state courts had provided an opportunity for full and fair litigation.
3. Whether trial counsel was ineffective for failing to communicate a probation plea offer, including whether counsel's performance was deficient and whether White suffered prejudice.
4. Whether White was entitled to a certificate of appealability.

HOLDINGS

1. Grounds 1(a), 2(b), and 4 were procedurally defaulted because White failed to present them to the state courts in a procedurally appropriate manner, and he did not establish cause and actual prejudice or a miscarriage of justice based on actual innocence to excuse the defaults.
2. Grounds 2(a) and 3 were not cognizable in federal habeas proceedings because the state courts provided White an opportunity for full and fair litigation of his Fourth Amendment claims.
3. Ground 1(b) failed on the merits because White did not establish either deficient performance or prejudice under *Strickland v. Washington*.
4. A certificate of appealability was denied because reasonable jurists would not find the resolution of White's claims debatable and the issues did not warrant encouragement to proceed further.

FACTUAL BACKGROUND

White was convicted in Arizona state court and pursued direct appeals and state post-conviction relief. In his federal petition, he asserted ineffective assistance of trial counsel, judicial misconduct, Fourth Amendment violations arising from a vehicle search, and double-jeopardy-related claims. The state-court record reflected that counsel attempted to contact White before trial, White did not maintain contact with counsel, and White later expressed opposition to probation and a desire for a retrial.

PROCEDURAL HISTORY

White filed a pro se § 2254 petition on February 27, 2025, challenging his state criminal proceedings, convictions, and post-conviction proceedings. Respondents answered, arguing that several grounds were procedurally defaulted, two Fourth Amendment grounds were non-cognizable under *Stone v. Powell*, and one ineffective-assistance claim failed on the merits. Magistrate Judge Deborah M. Fine recommended denial and dismissal with prejudice and denial of a certificate of appealability; the district court adopted the R&R as its opinion without objections.

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