

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Adam Abel Chavez v. Ryan Thornell, et al.

Chavez · No. CV-24-00743-PHX-GMS · Decided March 6, 2026

SUMMARY

The United States District Court for the District of Arizona adopts a magistrate judge’s Report and Recommendation and denies Adam Abel Chavez’s 28 U.S.C. § 2254 habeas petition. The court denies certain claims on the merits, dismisses others as noncognizable, and finds additional claims procedurally defaulted. The court also denies an evidentiary hearing, a certificate of appealability, and in forma pauperis status.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	G. Murray Snow
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 6, 2026
DOCKET	CV-24-00743-PHX-GMS
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed de novo the portions of a magistrate judge's Report and Recommendation to which Petitioner objected in a 28 U.S.C. § 2254 habeas proceeding.
STANDARD OF REVIEW	The court conducted de novo review of the portions of the Report and Recommendation to which specific objections were made under Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1). For the habeas claims, the court applied the deferential standards of 28 U.S.C. § 2254(d), including whether the state-court decision was contrary to or an unreasonable application of clearly established Supreme Court law or based on an unreasonable determination of facts. The court also applied the doubly deferential standard governing ineffective-assistance claims reviewed under Strickland and § 2254(d).
PRECEDENTIAL VALUE	unpublished
PARTIES	Adam Abel Chavez v. Ryan Thornell, et al.

TOPICS

federal habeas corpus

state post-conviction relief

ineffective assistance

appellate procedure

standard of review

PRACTICE AREAS

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criminal procedure

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QUESTIONS PRESENTED

1. Whether Chavez's objections were sufficiently specific to trigger de novo review of the challenged portions of the magistrate judge's Report and Recommendation.
2. Whether the state courts unreasonably applied *Strickland v. Washington* in rejecting Chavez's ineffective-assistance claims under 28 U.S.C. § 2254(d).
3. Whether the federal claims that Chavez failed to fairly present to the Arizona Court of Appeals were procedurally defaulted.
4. Whether claims rejected by the Arizona courts under independent and adequate state procedural rules, including Arizona Rule of Criminal Procedure 32.2(a)(3), were procedurally barred from federal habeas review.
5. Whether Chavez was entitled to an evidentiary hearing, a writ of habeas corpus, a certificate of appealability, or in forma pauperis status on appeal.

HOLDINGS

1. Objections that merely relitigate issues raised before the magistrate judge or state courts, rely on conclusory assertions, or fail to identify an error in the Report and Recommendation do not trigger de novo review under Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1).
2. A federal habeas court may not grant relief unless the state court's application of *Strickland* was unreasonable under 28 U.S.C. § 2254(d); it is not enough that the federal court would have applied *Strickland* differently in the first instance.
3. A federal habeas court is bound by a state court's construction of state law and may not reexamine state-law determinations unless an alleged state-law error rises to the level of a constitutional violation or is untenable.
4. Federal habeas claims that were not fairly presented to the state courts and can no longer be presented there are procedurally defaulted, and claims rejected under an adequate and independent state procedural ground are barred from federal habeas review absent a valid excuse.
5. An evidentiary hearing is not required when the issues can be resolved by reference to the state-court record and the petitioner does not present colorable allegations that would entitle him to federal habeas relief under § 2254's deferential standards.

KEY QUOTATIONS

“The Court thus accepts the recommended decision within the meaning of Fed. R. Civ. P. 72(b) and overrules Petitioner’s objections.”

“IT IS FURTHER ORDERED that the Clerk of the Court enter judgment denying Petitioner’s Petition for Writ of Habeas Corpus filed pursuant to § 2254 (Doc. 1) with prejudice.”

FACTUAL BACKGROUND

The opinion concerns Chavez's state criminal conviction and subsequent state post-conviction proceedings. His federal petition asserted thirty-seven grounds, including ineffective assistance of counsel, challenges involving Arizona felony-murder and causation law, evidentiary rulings, jury instructions, sufficiency of the evidence, and alleged constitutional violations during post-conviction proceedings. The district court relied on the state-court record and the Report and Recommendation, noting that Chavez did not present colorable claims warranting habeas relief or an evidentiary hearing.

PROCEDURAL HISTORY

Chavez filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Eileen S. Willett recommended denying specified grounds, dismissing two grounds as not cognizable, and dismissing the remaining grounds as procedurally defaulted. Chavez objected, Respondents replied, and the district court accepted the Report and Recommendation, denied the petition with prejudice, terminated the action, and denied a certificate of appealability and in forma pauperis status on appeal.

DISPOSITION

other

CASES CITED

- United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003)
- Robinson v. Ignacio, 360 F.3d 1044, 1055 (9th Cir. 2004)
- Avila v. Galaza, 297 F.3d 911, 918 (9th Cir. 2002)
- Schiro v. Landrigan, 550 U.S. 465, 474 (2007)
- Thomas v. Arn, 474 U.S. 140, 141 (1985)
- Harrington v. Richter, 562 U.S. 86, 101, 111-12 (2011)
- Bell v. Cone, 535 U.S. 685, 698-99 (2002)
- Strickland v. Washington, 466 U.S. 668, 688-89, 693, 696-97 (1984)
- Massaro v. United States, 538 U.S. 500, 505 (2003)
- Kimmelman v. Morrison, 477 U.S. 365, 381 (1986)
- Cullen v. Pinholster, 563 U.S. 170, 190 (2011)
- Knowles v. Mirzayance, 556 U.S. 111, 1123 (2009)
- Murray v. Schiro, 882 F.3d 778, 835 (9th Cir. 2018)
- Horton v. Mayle, 408 F.3d 570, 576 (9th Cir. 2005)

- *Mullaney v. Wilbur*, 421 U.S. 684, 691 (1975)
- *Estelle v. McGuire*, 502 U.S. 62, 67-68 (1991)
- *Oxborrow v. Eikenberry*, 877 F.2d 1395, 1399-1400 (9th Cir. 1989)
- *State v. Aragon*, 505 P.3d 657, 252 Ariz. 525 (Ariz. 2022)
- *Totten v. Merkle*, 137 F.3d 1172, 1176 (9th Cir. 1998)
- *Campbell v. Wood*, 18 F.3d 662, 679 (9th Cir. 1994)
- *O'Sullivan v. Boerckel*, 526 U.S. 838, 842 (1999)
- *Swoopes v. Sublett*, 196 F.3d 1008, 1010 (9th Cir. 1999)
- *Baldwin v. Reese*, 541 U.S. 27, 29, 31-32 (2004)
- *Scott v. Schriro*, 567 F.3d 573, 582 (9th Cir. 2009) (per curiam)
- *Johnson v. Zenon*, 88 F.3d 828, 830-31 (9th Cir. 1996)
- *Hiivala v. Wood*, 195 F.3d 1098, 1106 (9th Cir. 1999)
- *Castillo v. McFadden*, 399 F.3d 993, 1003 (9th Cir. 2005)
- *Coleman v. Thompson*, 501 U.S. 722, 735 n.1 (1991)
- *Sandgate v. Maass*, 314 F.3d 371, 376 (9th Cir. 2002)
- *Franklin v. Johnson*, 290 F.3d 1223, 1230 (9th Cir. 2002)
- *Poland v. Stewart*, 169 F.3d 573, 585 (9th Cir. 1999)
- *Wood v. Hall*, 130 F.3d 373, 376 (9th Cir. 1997)
- *Martinez v. Ryan*, 566 U.S. 1, 9-10 (2012)
- *Ford v. Georgia*, 498 U.S. 411, 424 (1991)
- *Ake v. Oklahoma*, 470 U.S. 68, 75 (1985)
- *Stewart v. Smith*, 536 U.S. 856, 860-61 (2002)
- *Dretke v. Haley*, 541 U.S. 386, 393 (2004)
- *Murray v. Carrier*, 477 U.S. 478, 488, 496 (1986)
- *United States v. Frady*, 456 U.S. 152, 170 (1982)
- *Villafuerte v. Lewis*, 75 F.3d 1330, 1335 (9th Cir. 1996)
- *Poland v. Stewart*, 151 F.3d 1018 (9th Cir. 1998)