

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Leon Bailey, Jr. v. Ryan F. Thornell, et al.

Bailey v. Thornell · No. CV-25-01145-PHX-SPL · Decided April 16, 2026

SUMMARY

The United States District Court for the District of Arizona adopted the magistrate judge’s Report and Recommendation in a 28 U.S.C. § 2254 habeas corpus action. The court held that most of the petitioner’s claims were unexhausted and procedurally defaulted, and that the remaining ineffective-assistance claims failed on the merits. The amended petition was denied and dismissed with prejudice, and a certificate of appealability and leave to proceed in forma pauperis on appeal were denied.

CASE DETAILS

COURT	United States District Court for the District of Arizona
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 16, 2026
DOCKET	CV-25-01145-PHX-SPL
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed an amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. After the magistrate judge issued a report and recommendation, petitioner filed objections, and the district court conducted de novo review of the properly objected-to portions.
STANDARD OF REVIEW	De novo review of those portions of a magistrate judge's report and recommendation to which a party makes specific, timely objections; portions not specifically objected to need not be reviewed. Consideration of new evidence or arguments raised for the first time in objections is discretionary.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Leon Bailey, Jr. v. Ryan F. Thornell, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be reviewed de novo in light of petitioner's objections.
2. Whether petitioner's claims in Grounds One through Seven(a)-(e) were unexhausted and procedurally defaulted.
3. Whether petitioner established ineffective assistance of counsel on the exhausted claims in Grounds Seven(f)-(h).
4. Whether the amended § 2254 petition should be denied and dismissed with prejudice.

HOLDINGS

1. A district judge reviews de novo the portions of a report and recommendation that are specifically and properly objected to, and need not review portions to which no specific objection is made.
2. Petitioner's claims in Grounds One, Two, Three, Four, Five, Six, and Seven(a)-(e) were not properly exhausted and were procedurally defaulted.
3. Petitioner failed to establish that counsel's performance fell below an objective standard of reasonableness on the exhausted ineffective-assistance claims.

KEY QUOTATIONS

“A district judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”” (at 1)

“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.”” (at 1)

FACTUAL BACKGROUND

Petitioner sought federal habeas relief under 28 U.S.C. § 2254, asserting multiple grounds for relief, including ineffective assistance of counsel. The record showed that Grounds One through Seven(a)-(e) had not been properly exhausted and were procedurally defaulted. The ineffective-assistance claims in Grounds Seven(f)-(h) were exhausted, but petitioner did not demonstrate that counsel's performance fell below an objective standard of reasonableness.

PROCEDURAL HISTORY

The magistrate judge recommended denying the amended § 2254 petition because Grounds One through Seven(a)-(e) were unexhausted and procedurally defaulted, while the ineffective-assistance claims in Grounds Seven(f)-(h), although exhausted, failed on the merits. The district court reviewed the objections and record, adopted the report and recommendation in full, denied and dismissed the petition with prejudice, denied a certificate of appealability and leave to proceed in forma pauperis on appeal, and directed the clerk to terminate the action.

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)

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