

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

OPINION

Thornell

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 Leon Bailey, Jr.,) No. CV-25-01145-PHX-SPL) 9) 10 Petitioner,) ORDER vs.)) 11) Ryan F.
Thornell, et al.,) 12) 13 Respondents.)) 14) 15 The Court has before it, Petitioner’s Amended
Petition for Writ of Habeas Corpus 16 pursuant to 28 U.S.C. § 2254 (Doc. 7), the Answer from the
Respondents (Doc. 12), and a 17 Reply from the Petitioner (Doc. 13). Additionally, the Court has
also considered the Report 18 and Recommendation (“R&R”) from the Magistrate Judge (Doc.
14), Petitioner’s 19 Objections (Doc. 21), and Respondents’ Response (Doc. 23). 20 A district
judge “may accept, reject, or modify, in whole or in part, the findings or 21 recommendations
made by the magistrate judge.” 28 U.S.C. § 636(b). When a party files a 22 timely objection to an
R&R, the district judge reviews de novo those portions of the R&R 23 that have been “properly
objected to.” Fed. R. Civ. P. 72(b). A proper objection requires 24 specific written objections to the
findings and recommendations in the R&R. See United 25 States v. Reyna-Tapia, 328 F.3d 1114,
1121 (9th Cir. 2003); 28 U.S.C. § 636(b) (1). It 26 follows that the Court need not conduct any
review of portions to which no specific 27 objection has been made. See Reyna-Tapia, 328 F.3d at
1121; see also Thomas v. Arn, 474 28 U.S. 140, 149 (1985) (discussing the inherent purpose of
limited review is judicial 1 | economy). Further, a party is not entitled as of right to de novo
review of evidence or 2 | arguments which are raised for the first time in an objection to the R&R,
and the Court’s 3 | decision to consider them is discretionary. United States v. Howell, 231 F.3d
615, 621-622 4 | (9th Cir. 2000). 5 The Court has carefully undertaken an extensive review of the
sufficiently 6 | developed record. The Petitioner’s objections to the findings and recommendations
have 7 | also been thoroughly considered. 8 After conducting a de novo review of the issues and
objections, the Court reaches 9 | the same conclusions reached by the magistrate judge. This Court
finds Judge Bachus correctly concluded that Petitioner’s claims in Grounds One, Two, Three,
Four, Five, Six, 11 | and Seven (a){e} were not properly exhausted and procedurally defaulted.
(Doc. 14 at 18- 22). The Court further agrees that Petitioner’s claims for ineffective assistance of
counsel 13 | in Grounds Seven (f)-(h) were properly exhausted but he failed to show how
counsel’s 14 performance fell below an objective standard of reasonableness. (Doc. 14 at 22-27).

The 15 | R&R will be adopted in full. 16 Accordingly, 17 IT IS ORDERED: 18 1. That Magistrate Judge Alison S. Bachus's Report and Recommendation 19 | (Doc. 14) is accepted and adopted by the Court; 20 2. That the Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 21| § 2254 (Doc. 7) is denied and dismissed with prejudice; 22 3. That a certificate of appealability and leave to proceed in forma pauperis on 23 | appeal are denied; and 24 4. That the Clerk of Court shall enter judgment and terminate this action. 25 Dated this 15th day of April, 2026. 26 28 United States District ladge