

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Terrance L. King v. Ryan Thornell, et al.

King v. Thornell · No. CV-24-00526-PHX-SHD · Decided April 6, 2026

SUMMARY

The United States District Court for the District of Arizona adopted a magistrate judge’s Report and Recommendation and denied Terrance L. King’s federal habeas petition with prejudice. The court held that King’s ineffective-assistance claim under State v. Donald was procedurally defaulted because he did not fairly present the claim to the Arizona Court of Appeals, and it denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Sharad H. Desai
JURISDICTION	United States District Court for the District of Arizona
DECIDED	April 6, 2026
DOCKET	CV-24-00526-PHX-SHD
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief under 28 U.S.C. § 2254. After a magistrate judge recommended denial and dismissal with prejudice, King objected. The district court overruled the objection, adopted the Report and Recommendation, denied the petition with prejudice, entered judgment, and denied a certificate of appealability.
STANDARD OF REVIEW	The district court reviews objected-to portions of a magistrate judge's report and recommendation de novo and need not review issues to which no specific objection is made.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.
PARTIES	Terrance L. King v. Ryan Thornell, et al.

TOPICS

- federal habeas corpus
- post-conviction relief
- default
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should reject the magistrate judge's recommendation that King's federal habeas claim was procedurally defaulted.
2. Whether King adequately objected to the finding that he failed to fairly present his State v. Donald claim to the Arizona Court of Appeals.
3. Whether a certificate of appealability should issue.

HOLDINGS

1. King's federal habeas claim was procedurally defaulted because he did not fairly present the operative facts or legal theory of his State v. Donald claim to the Arizona Court of Appeals.
2. The district court was required to review de novo only those portions of the magistrate judge's recommendation to which King made specific objections, and King's failure to address the central procedural-default finding warranted overruling his objection and adopting the recommendation.
3. A certificate of appealability was denied because the petition's dismissal rested on a plain procedural bar and reasonable jurists would not find the procedural ruling debatable.

KEY QUOTATIONS

“Simply put, King “did not present the operative facts or the legal theory on which the [Donald Claim] is based to the Arizona Court of Appeals,” and thus the Court of Appeals never had a chance to weigh in on the merits of the Donald Claim.” (at 3)

“The Petition’s dismissal is based on a plain procedural bar, and reasonable jurists would not find this procedural ruling debatable.” (at 4)

FACTUAL BACKGROUND

After a jury trial in Maricopa County Superior Court, King was convicted and sentenced. His appellate counsel filed an Anders brief, and the Arizona Court of Appeals affirmed the convictions and sentences on June 8, 2021. King later sought state post-conviction relief and attempted to add an ineffective-assistance claim under State v. Donald, but his petition was dismissed. In his state petition for review, King challenged the state superior court's procedural handling of the claim rather than fairly presenting the operative facts and legal theory of the claim itself.

PROCEDURAL HISTORY

King was convicted after a jury trial in the Maricopa County Superior Court. The Arizona Court of Appeals affirmed his convictions and sentences, and King later pursued state post-conviction relief. The Superior Court dismissed his post-conviction petition, and the Arizona Court of Appeals denied relief after finding no abuse of discretion. King then filed a federal habeas petition asserting an ineffective-assistance claim under State v.

Donald. The magistrate judge recommended dismissal because the claim was procedurally defaulted, and the district court adopted that recommendation after conducting de novo review of the objected-to portions.

DISPOSITION

dismissed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *State v. Donald*, 10 P.3d 1193 (Ariz. Ct. App. 2000)
- *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985)
- *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)
- *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Memt.*, 589 F.3d 1027, 1032 (9th Cir. 2009)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)