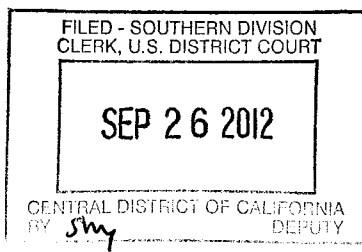


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

TYRONE FRANKLIN SWAIN,) Case No. CV 08-04186 GAF (AN)
Petitioner,)
v.) ORDER ACCEPTING THE FINDINGS
LARRY SMALL,) AND RECOMMENDATION OF THE
Respondent.) UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the file, including the Magistrate Judge’s Report and Recommendation (“R&R”) and Petitioner’s Objections [45]. Further, the Court has completed a *de novo* review of those portions of the R&R to which Petitioner has objected.

IT IS ORDERED that:

1. The Objections are conclusory and do not show any of the findings and conclusions in the R&R are erroneous. Therefore, the Objections are overruled and the Court accepts the findings and recommendation of the R&R.

2. Judgment shall be entered denying the Petition and dismissing this action with prejudice.


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3. All motions are denied as moot and terminated.

IT IS FURTHER ORDERED that the clerk of the Court shall serve a copy of this Order and the Judgment on all counsel or parties of record.

Dated: September 26, 2012



GARY A. FEESS
UNITED STATES DISTRICT JUDGE