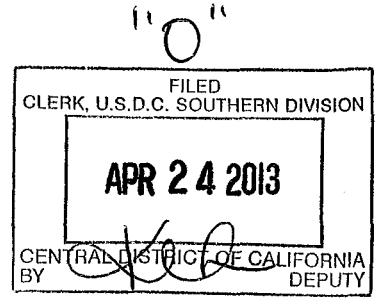


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL (OR PARTIES) AT THEIR RESPECTIVE MOST RECENT ADDRESS OF RECORD IN THIS ACTION ON THIS DATE.

DATED: 4.24.13
[Signature]
DEPUTY CLERK



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CESAR GERARDO MURO,

Petitioner,

vs.

G.D. LEWIS (Warden),

Respondent.

Case No. SACV 12-1342-R (RNB)

ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS
OF UNITED STATES
MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file herein, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which objections have been made. The Court accepts the findings and recommendations of the Magistrate Judge.

IT THEREFORE IS ORDERED that (1) petitioner's request for an evidentiary hearing is denied; and (2) Judgment be entered (a) denying petitioner's habeas petition with respect to Grounds 1, 2, and 4 and granting it with respect to Ground 3, and (b) discharging petitioner from all consequences of his conviction in Orange County Superior Court Case No. 08NF0364 of violating Cal. Penal Code § 186.22(a), vacating

1 the portion of his sentence based thereon, and requiring the Superior Court to resentence
2 petitioner accordingly within sixty (60) days.

3 DATED: April 22, 2013
4



5 MANUEL L. REAL
6 UNITED STATES DISTRICT JUDGE
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28