

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

STANLEY J. MUTE,

Petitioner,

vs.

STATE OF ALASKA,

Respondent.

Case No. 4:08-cv-0010-RRB

ORDER GRANTING IN PART AND
DENYING IN PART DOCKET 58

Before the Court, at Docket 58, is Respondent with a Motion to Dismiss Second Amended Petition, filed by Petitioner Mute at Docket 45, for procedural grounds. The matter has been fully briefed and was the subject of a Final Report and Recommendation at Docket 103. The Court also conducted a de novo review of the entire matter. Based thereon, the Court hereby adopts the Final Report and, for the reasons set forth therein, hereby **DENIES** the Motion to Dismiss at **Docket 58** as to Petitioner's first ground for habeas relief but **GRANTS** the Motion as to the second and third grounds for relief.

IT IS SO ORDERED.

ENTERED this 4th day of October, 2011.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE