

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

STANLEY MUTE v. STATE OF ALASKA

DATE: June 20, 2012 CASE NO. 4:08-CV-0010-RRB

THE HONORABLE RALPH R. BEISTLINE

PROCEEDINGS: **MINUTE ORDER FROM CHAMBERS**  
**DENYING SECOND AMENDED PETITION**

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This matter has been extensively litigated and has been well briefed by the parties. It has also been the subject of a thorough and well-reasoned Recommendation by the Magistrate Judge, which this Court **ADOPTS** in its entirety.

The Court concludes, for the reasons set forth by the Magistrate Judge at Docket 138, that Petitioner is not entitled to relief herein because his claim was adjudicated on the merits in State Court and does not qualify for relief under 28 U.S.C. § 2254(d). Petitioner is also not entitled to an evidentiary hearing under 28 U.S.C. § 2254(e)(2).

Therefore, Petitioner's Second Amended Petition for Writ of Habeas Corpus at **Docket 45** is **DENIED** and his Motion for Evidentiary Hearing at **Docket 133** is **DENIED**.