

1 In his Report and Recommendation the Magistrate Judge advised the parties that they
2 had 14 days from the date of service of a copy of the Report and Recommendation within
3 which to file specific written objections with the Court. On November 19, 2010, Petitioner
4 filed a premature Notice of Appeal. This Court issued an order on January 12, 2011 allowing
5 Petitioner an additional 14 days from the date of the order to filed specific written objections
6 to the Magistrate Judge's Report and Recommendation. No objections to the Report and
7 Recommendation have been filed.

8 The Court finds itself in agreement with the Report and Recommendation of the
9 Magistrate Judge.

10 IT IS ORDERED adopting the Report and Recommendation of the Magistrate Judge
11 as the order of this Court.

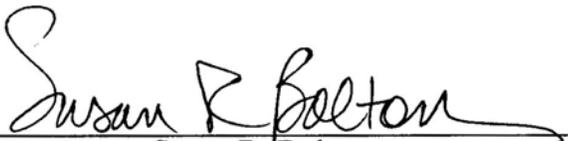
12 IT IS FURTHER ORDERED that first claim in the Amended Petition for Writ of
13 Habeas Corpus (breach of plea agreement) is dismissed with prejudice.

14 IT IS FURTHER ORDERED that the second claim (treatment of state habeas petition)
15 is denied.

16 IT IS FURTHER ORDERED denying a Certificate of Appealability.

17 IT IS FURTHER ORDERED directing the Clerk to enter judgment accordingly.
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19 DATED this 9th day of February, 2011.
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23 _____
24 Susan R. Bolton
25 United States District Judge
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