



1 objected to.”). The Court has nonetheless reviewed the R&R and finds that it is well-  
2 taken. The Court will adopt the R&R, grant the motion, and thereby dismiss the petition.  
3 *See* 28 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in  
4 whole or in part, the findings or recommendations made by the magistrate”); Fed. R. Civ.  
5 P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended  
6 disposition; receive further evidence; or return the matter to the magistrate judge with  
7 instructions.”). Accordingly,

8 **IT IS ORDERED:**

- 9 1. That Magistrate Judge Bade’s Report and Recommendation (Doc. 22) is  
10 **accepted** and **adopted** by the Court;
- 11 2. That the reference to the Magistrate Judge is withdrawn as to Petitioner’s  
12 Motion to Dismiss (Doc. 17) and the motion is **granted**;
- 13 3. That the Petition for Writ of Habeas Corpus (Doc. 1) is **dismissed**; and  
14 4. That the Clerk of Court shall **terminate** this action.

15 Dated this 6th day of January, 2015.

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18 Honorable Steven P. Logan  
19 United States District Judge  
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