




1 taken. The Court will adopt the R&R and deny the Petition. *See* 28 U.S.C. § 636(b)(1)  
2 (stating that the district court “may accept, reject, or modify, in whole or in part, the  
3 findings or recommendations made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The  
4 district judge may accept, reject, or modify the recommended disposition; receive further  
5 evidence; or return the matter to the magistrate judge with instructions.”). Accordingly,

6 **IT IS ORDERED:**

- 7 1. That Magistrate Judge Fine’s Report and Recommendation (Doc. 25) is  
8 **accepted** and **adopted** by the Court;
- 9 2. That the First Amended Petition for Writ of Habeas Corpus pursuant to 28  
10 U.S.C. § 2254 (Doc. 9) is **denied** and this action is **dismissed with prejudice**;
- 11 3. That a certificate of appealability and leave to proceed *in forma pauperis* on  
12 appeal are **denied**; and
- 13 4. That the Clerk of Court shall **terminate** this action.

14 Dated this 22nd day of November, 2016.

15   
16 Honorable Steven P. Logan  
17 United States District Judge  
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