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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRENICE HUGHES,)	NO. CV 05-5450-DSF (MAN)
)	
Petitioner,)	
)	
v.)	ORDER ADOPTING FINDINGS,
)	
RICHARD KIRKLAND,)	CONCLUSIONS AND RECOMMENDATIONS
)	
Respondent.)	OF UNITED STATES MAGISTRATE JUDGE
_____)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas Corpus, all of the records herein, and the Report and Recommendation of United States Magistrate Judge. The time for filing Objections has passed, and no Objections have been filed with the Court. The Court accepts and adopts the Magistrate Judge's Report and Recommendation, and the findings of fact, conclusions of law, and recommendations therein, except notes that the citation at page 9, line 19 has been changed due to publisher's error to Frantz v. Hazey, 533 F.3d 724, 734 (9th Cir. 2008) (en banc).

IT IS ORDERED that: (1) the Petition is denied; and (2) Judgment shall be entered dismissing this action with prejudice.

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IT IS FURTHER ORDERED that the Clerk serve copies of this Order and the Judgment herein on Petitioner and counsel for Respondent.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: November 21, 2008.



DALE S. FISCHER
UNITED STATES DISTRICT JUDGE