

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

RICHARD HORTON,	)	No. CV 05-08641-VAP (VBK)
	)	
Petitioner,	)	ORDER (1) ACCEPTING AND ADOPTING
	)	THE REPORT AND RECOMMENDATION OF
v.	)	THE UNITED STATES MAGISTRATE
	)	JUDGE, AND (2) DISMISSING THE
T. SCHWARTZ,	)	PETITION FOR WRIT OF HABEAS
	)	CORPUS
Respondent.	)	
_____	)	

Pursuant to 28 U.S.C. §636, the Court has made a de novo review of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's Answer and Supplemental Answer, Petitioner's Supplemental Memorandum, Respondent's Supplemental Response, all of the records herein and the Report and Recommendation of the United States Magistrate Judge ("Report").

**IT IS ORDERED** that: (1) the Court accepts and adopts the Report and Recommendation, and (2) Judgment be entered dismissing the Petition with prejudice.

DATED: November 6, 2008

*Virginia A. Phillips*

---

VIRGINIA A. PHILLIPS  
UNITED STATES DISTRICT JUDGE