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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

DUANE LAVON BERRY,
Petitioner,

v.

YATES,
Respondent.

No. CV 11-3998-VBF (PLA)

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the entire file de novo, including the magistrate judge’s report and recommendation. The Court agrees with the recommendations of the magistrate judge.

ACCORDINGLY, IT IS ORDERED:

- 1. The report and recommendation is adopted.
- 2. Judgment shall be entered consistent with this order.
- 3. The clerk shall serve this order and the judgment on all counsel or parties of record.

DATED: 04/18/2013

Valerie Baker Fairbank

HONORABLE VALERIE BAKER FAIRBANK
SENIOR UNITED STATES DISTRICT JUDGE