

Pursuant to 28 U.S.C. § 636, the Court reviewed the petition, the records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which Petitioner has objected. The Court corrects the reference in the Report at page 4 to read: "In Ground Five, Petitioner argues that there was insufficient evidence that the <u>attempted</u> murder was premeditated and deliberate." Beyond that, the Court accepts the findings and recommendation of the Magistrate Judge.

IT IS ORDERED that Judgment be entered denying the petition and dismissing this action with prejudice.

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HON. JOHN A. KRONSTADT UNITED STATES DISTRICT JUDGE

DATE: September 17, 2012