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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OLLIE JONATHAN STEWART,
Petitioner,
v.
JOSIE GASTELO,
Respondent.

Case No. 2:20-02579 JWH (ADS)

ORDER ACCEPTING UNITED
STATES MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

1 Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended
2 Petition (the “FAP”) (Dkt. No. 19), Respondent’s Motion to Dismiss (Dkt.
3 No. 36) and all the records and files herein, the Report and Recommendation of the
4 United States Magistrate Judge (Dkt. No. 46), Respondent’s Objection to the
5 Report and Recommendation (Dkt. No. 47), and Petitioner’s Notice of Withdrawal
6 of Ground Three (Dkt. No. 48). The Court has engaged in a *de novo* review of
7 those portions of the Report and Recommendation to which objections were made.
8 The Court accepts the findings and recommendations of the Magistrate Judge.
9 Because Petitioner has withdrawn his one unexhausted claim, the matter shall
10 proceed on the remaining claims in the FAP.

11 It is therefore **ORDERED** as follows:

- 12 1. The Court accepts the findings and recommendations of the
13 Magistrate Judge (Dkt. No. 46).
- 14 2. Respondent’s Motion to Dismiss is **GRANTED, in part**, because
15 Ground Three is unexhausted.
- 16 3. This matter is **REFERRED** to the assigned Magistrate Judge for
17 further proceedings on the remaining claims in the FAP.

18 **IT IS SO ORDERED.**

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20 DATED: January 17, 2023

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22 THE HONORABLE JOHN W. HOLCOMB
23 United States District Judge
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