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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KENNETH LEE STINCHCOMB,
Petitioner
v.
BRIAN BIRKHOLTZ,
Respondent.

Case No. 2:22-cv-05024-SSS (GJS)

**ORDER ACCEPTING FINDINGS
AND RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition [Dkt. 1], Respondent's motion to dismiss [Dkt. 9, "Motion"], all other documents filed in this action, and the Report and Recommendation of United States Magistrate Judge [Dkt. 20, "Report"]. The time for filing Objections to the Report has passed and no Objections have been received by the Court.

Having completed its review, the Court accepts the findings and recommendations set forth in the Report.¹ Accordingly, **IT IS ORDERED** that: the

¹ For purposes of accuracy, the Court notes that there is a typographical error in the Report's citation to the Ninth Circuit's decision in *Tripati v. Henman*. [See Dkt. 20 at 8.] Rather than a citation to 843 F.3d 1160 (9th Cir. 1988), the Report should reflect a citation to 843 F.2d 1160 (9th Cir. 1988).

1 Motion is granted; the Petition is dismissed, without prejudice, for lack of
2 jurisdiction; and Judgment shall be entered dismissing this action without prejudice.

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DATE: April 12, 2023



SUNSHINE SUZANNE SYKES
UNITED STATES DISTRICT JUDGE