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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

DOUGLAS BRIAN McSHANE,)	No. ED CV 09-01243-CAS (VBK)
)	
Petitioner,)	ORDER ACCEPTING FINDINGS AND
)	RECOMMENDATIONS OF UNITED STATES
v.)	MAGISTRATE JUDGE
)	
MATTHEW CATE,)	
)	
Respondent.)	
_____)	

Pursuant to 28 U.S.C. §636, the Court has reviewed the Petition for Writ of Habeas Corpus ("Petition"), the records and files herein, and the Report and Recommendation of the United States Magistrate Judge ("Report"). Further, the Court has engaged in a de novo review of those portions of the Report and Recommendation to which Respondent has objected.

IT IS ORDERED that: (1) the Court accepts the findings and recommendations of the Magistrate Judge, and (2) Judgment be entered

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1 conditionally granting the Petition for Writ of Habeas Corpus unless
2 the State elects within 90 days of this Judgment becoming final to
3 retry Petitioner.



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5 DATED: March 5, 2012

6 CHRISTINA A. SNYDER
7 UNITED STATES DISTRICT JUDGE
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