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

DARRYL ALVIN FLINT-SPIVEY,	)	NO. CV 13-1942-DDP (AS)
	)	
Petitioner,	)	ORDER ACCEPTING FINDINGS,
	)	CONCLUSIONS AND RECOMMENDATIONS
v.	)	OF UNITED STATES MAGISTRATE JUDGE
GARY SWARTHOUT, Warden,	)	
	)	
Respondent.	)	
	)	
_____	)	

Pursuant to 28 U.S.C. section 636, the Court has reviewed the Petition, all of the records herein and the attached Report and Recommendation of United States Magistrate Judge. The Court accepts and adopts the Magistrate Judge's Report and Recommendation.

IT IS ORDERED that Judgment be entered denying and dismissing the Petition without prejudice.

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1 IT IS FURTHER ORDERED that the Clerk serve copies of this  
2 Order, the Magistrate Judge's Report and Recommendation and the  
3 Judgment herein on Petitioner and counsel for Respondent.

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5 LET JUDGMENT BE ENTERED ACCORDINGLY.

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7 DATED: July 17, 2014.

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DEAN D. PREGERSON  
UNITED STATES DISTRICT JUDGE