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

TOMAS GRANDE GRAJEDA, JR.,

Petitioner,

v.

M.D. BITER,

Respondent.

Case No. EDCV 14-2500-JLS (LAL)

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's Report and Recommendation, Petitioner's Objections to the Report and Recommendation, and the remaining record, and has made a *de novo* determination.

Petitioner's Objections generally lack merit for the reasons set forth in the Report and Recommendation.

Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered (1) discharging Petitioner from all consequences of the street gang allegation appended to his conviction for carrying a loaded firearm in public in San Bernardino County Superior Court Case No. FVA-025452, vacating the portion of his sentence based thereon, and requiring the San Bernardino County Superior Court to

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resentence Petitioner accordingly within sixty (60) days; and (2) denying the Petition in all other respects; and

3. The Clerk serve copies of this Order on the parties.

DATED: May 3, 2017



HONORABLE JOSEPHINE L. STATON
UNITED STATES DISTRICT JUDGE