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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 30, 2015 (ECF No. 550) are ADOPTED in full, and

a. Petitioner has satisfied 28 U.S.C. § 2254(d) for his claims 2 and 5 with respect to the special circumstance and penalty phase determinations;

b. Petitioner has failed to satisfy § 2254(d) for his claims 2 and 5 with respect to the guilt phase determination;

c. Petitioner has failed to satisfy § 2254(d) for his claims 6, 9, and 36;


d. Petitioner's Motion to Expand the Record or for an Evidentiary Hearing on his Claim 36 (ECF No. 470) is DENIED.

e. Federal habeas relief is denied as to petitioner's claims 6, 9, and 36.

2. The court declines to issue a certificate of appealability on claims 6, 9, and 36.

IT IS SO ORDERED.

Dated: March 17, 2018

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE