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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Respondent,  
v.  
JARVIS MARQUEZ TUBBS,  
Movant.

No. 2:05-cr-0243 WBS CKD P  
No. 2:12-cv-2987 WBS CKD  
ORDER

Movant, a federal prisoner proceeding with counsel, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 15, 2017, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Movant has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 15, 2017, are adopted in full;
2. Respondent’s motion for a stay is denied;
3. Movant’s December 16, 2016, third amended motion for habeas relief under 28 U.S.C. § 2255 (ECF No. 231) is denied;
4. The court issues the certificate of appealability referenced in 28 U.S.C. § 2253 on the question of whether movant’s conviction of armed bank robbery under 18 U.S.C. § 2113(a) and (d) was a conviction of a crime of violence within the meaning of 18 U.S.C. § 924(c); and
5. The Clerk of the Court is directed to close the companion civil case, No. 2:12-cv-2987 WBS CKD.

Dated: October 19, 2017

  
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WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE

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