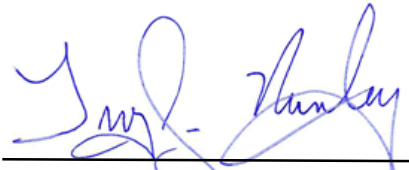


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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed January 9, 2017, (ECF No. 23) are ADOPTED in full;
2. Respondent’s motion to dismiss (ECF No. 16) is GRANTED in part and DENIED in part;
 - a. Respondent’s motion to dismiss the Petition on lack of jurisdiction is DENIED;
 - b. Respondent’s motion to dismiss Petitioner’s claims regarding petitioner’s 2010 sentence is GRANTED and the Court dismisses the allegations that Petitioner raises in Claim 7 of the Petition that Petitioner’s trial counsel was ineffective for failing to object to Petitioner’s 25-year to life sentence on the grounds that the sentence violates the Eighth Amendment; and
3. This action to remain open.

Dated: February 27, 2017



Troy L. Nunley
United States District Judge