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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 18, 2018, are adopted in full;
2. Petitioner’s application for writ of habeas corpus is summarily dismissed without prejudice to filing a new action pursuant to 42 U.S.C. § 1983;
3. The Clerk is directed to close the case; and
4. The court declines to issue a certificate of appealability.

DATED: December 18, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE