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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 25, 2021, are adopted in full;
2. Respondent's motion to dismiss (ECF No. 15) is granted;
3. The petition is dismissed without leave to amend;
4. The court declines to issue the certificate of appealability referenced in 28 U.S.C. § 2253; and
5. The Clerk of Court is directed to close the case.

DATED: June 21, 2022.

  
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CHIEF UNITED STATES DISTRICT JUDGE