

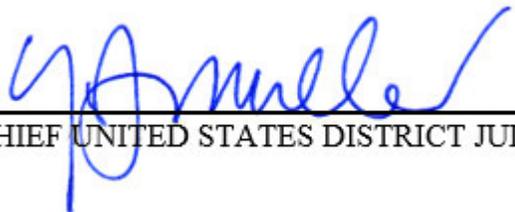


1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed November 28, 2022, are adopted in full;
- 5 2. Respondent’s third claim, identified above as the trial court’s failure to give *sua sponte*  
6 instructions on lesser included offenses, is dismissed; and
- 7 3. This matter is referred back to the assigned magistrate judge for all further pretrial  
8 proceedings.

9 DATED: January 17, 2023

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13 CHIEF UNITED STATES DISTRICT JUDGE  
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