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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

LEONARD MOORE, JR.

vs.
MATTHEW CATE, Secretary of the
California Department of Corrections and
Rehabilitation,

Respondent.

CASE NO. 06cv1782 JM(CAB)

ORDER ADOPTING REPORT AND
RECOMMENDATION

On September 8, 2008 Magistrate Judge Bencivengo entered a Report and Recommendation recommending the denial of the petition for writ of habeas corpus (“R & R”). The R & R, expressly incorporated herein, thoroughly and thoughtfully analyzed Petitioner’s claims and recommended denying the petition for writ of habeas corpus. Petitioner has filed objections to the R & R (“Objections”). Respondent did not file a reply to the Objections.


In his Objections, Petitioner raises no persuasive argument. The overwhelming thrust of Petitioner’s Objections is that the analysis of his claims by the California Court of Appeal was not objectively reasonable and did not constitute harmless error under Brecht v. Abrahamson, 507 U.S. 619 (1993). The R & R thoroughly discussed and analyzed the five alleged claims. Instead of

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1 responding to Petitioner's arguments a second time, the court adopts the R & R in its entirety. The
2 petition for habeas corpus is denied with prejudice.

3 **IT IS SO ORDERED.**

4 DATED: March 4, 2009

5 
6 Hon. Jeffrey T. Miller
United States District Judge

7 cc: all parties

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