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

JOSEPH CLARK,

vs.

ROBERT HERNANDEZ, Warden,

Respondent.

Petitioner,

CASE NO. 08-CV-399 H (PCL)

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
AND DENYING THE  
PETITION FOR HABEAS  
CORPUS PURSUANT TO 28  
U.S.C. § 2254

On March 3, 2008, Petitioner Joseph Clark filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging the Board of Parole Hearings' (the "Board") denial of parole on August 10, 2005. Petitioner presents two issues: (1) violation of his federal right to procedural due process by denial of parole based on the facts of his commitment offense; and (2) violation of his federal right to procedural due process by deferring a subsequent parole hearing for three years. On August 6, 2008, Respondent filed an answer to the petition.

After reviewing the Petition, Respondent's Answer and Memorandum of Points and Authorities, and all supporting documents submitted by the parties, and the

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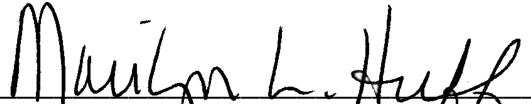
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1 Report and Recommendation of the Magistrate Judge, the Court adopts the Report and  
2 Recommendation, and denies the petition.

3 IT IS SO ORDERED.

4 Dated: April 1, 2009

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6 MARILYN L HUFF, District Judge  
7 UNITED STATES DISTRICT COURT  
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