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

LARRY JOHN LITTLE, JR.,

Petitioner,

vs.

D.K. SISTO, Warden,

Respondent.

CASE NO. 08 CV 1043 JM (PCL)

**ORDER ADOPTING REPORT
AND RECOMMENDATIONS**

Doc. No. 26

On January 22, 2010, Magistrate Judge Peter C. Lewis entered a Report and Recommendations. (Doc. No. 26). The Report and Recommendations, expressly incorporated herein, thoroughly and thoughtfully analyzed Petitioner's claims and recommended that Respondent's motion to dismiss (Doc. No. 23) be granted, unless Petitioner elects to forego his unexhausted claim. Petitioner filed objections. (Doc. No. 31). The court finds this matter appropriate for disposition without oral argument. *See* CivLR 7.1(d)(1).

The court hereby **ADOPTS** the Report and Recommendations in its entirety. Accordingly, the court hereby **GRANTS** Respondent's motion to dismiss **UNLESS**, within 30 days of the filing of this order, Petitioner elects to forego his unexhausted claim and proceed with his exhausted claims.

IT IS SO ORDERED.

DATED: March 23, 2010



Hon. Jeffrey T. Miller
United States District Judge