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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MARCUS E. THREATS,

12 Petitioner,

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16 vs.
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18 MATTHEW CATE, Secretary, et al.,

19 Respondents.
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CASE NO. 09-CV-816-IEG (AJB)

ORDER:

**(1) ADOPTING THE
MAGISTRATE JUDGE'S REPORT
[Doc. No. 13]; and**

**(2) DENYING THE FIRST
AMENDED PETITION FOR WRIT
OF HABEAS CORPUS [Doc. No. 4].**

21 Petitioner Marcus Threats ("Petitioner"), a state prisoner proceeding pro se, filed a first
22 amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his San Diego
23 County Superior Court conviction. (Doc. No. 4.) Respondent¹ filed an Answer and Memorandum
24 of Points and Authorities, and Petitioner filed a Traverse.

25 On January 5, 2010, Magistrate Judge Anthony J. Battaglia issued a Report and
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27 ¹ All references to Respondent refer to Secretary of the California Department of Corrections
28 and Rehabilitation Matthew Cate. Petitioner names Attorney General Jerry Brown as an Additional
Respondent in this case, but the Court ruled that he was not a proper Respondent in this action. (Doc.
No. 9.)

1 Recommendation recommending the Court deny the first amended petition for writ of habeas corpus,
2 and requiring any objections to be filed no later than January 27, 2010. (Doc. No. 13.) To date,
3 Petitioner has not filed objections.

4 The Court HEREBY ADOPTS Magistrate Judge Battaglia's well-reasoned Report and
5 Recommendation in its entirety, and DENIES the first amended petition for writ of habeas corpus.
6 The Clerk of the Court shall close the case.

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8 **IT IS SO ORDERED.**

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10 **DATED: March 3, 2010**

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12 **IRMA E. GONZALEZ, Chief Judge**
13 **United States District Court**