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

KENT WIMBERLY,  
  
Petitioner,  
  
vs.  
  
GEORGE NEOTTI, Warden,  
  
Respondent.

CASE NO. 10 CV 2106 MMA (JMA)  
  
**ORDER ADOPTING REPORT  
AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE  
JUDGE;**  
  
[Doc. No. 8]  
  
**DENYING WITH PREJUDICE  
PETITION FOR WRIT OF  
HABEAS CORPUS**  
  
[Doc. No. 1]

Petitioner Kent Wimberly, a state prisoner proceeding with counsel, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the Board of Parole’s decision on September 22, 2009 finding him unsuitable for parole. [Doc. No. 1] Respondent George Neotti filed a response to the petition [Doc. No. 6], and Petitioner filed a traverse [Doc. No. 7]. The matter was referred to United States Magistrate Judge Jan M. Adler for preparation of a Report and Recommendation under 28 U.S.C. § 636(b)(1)(B) and Civil Local Rule 72.1(d)(4).

Judge Adler issued a well-reasoned and thorough Report recommending the petition be denied in its entirety. Objections to the Report and Recommendation were due no later than August 16, 2011. To date, Petitioner has not filed any objections.


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1 For the reasons set forth in the Report and Recommendation, Petitioner has not made a  
2 substantial showing of the denial of a constitutional right. Accordingly, a certificate of  
3 appealability should not issue in this action.

4 **IT IS SO ORDERED.**

5 DATED: September 14, 2011



Hon. Michael M. Anello  
United States District Judge

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