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

10 BRUCE PHILLIPPI, aka, Robert M.  
11 Ray,

CASE NO. 14cv1310 DMS (MDD)

12   vs.

Petitioner,

**ORDER (1) ADOPTING  
MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND  
(2) DENYING PETITION**

13 CLARK E. DUCART,

14   Respondent.

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16             On May 27, 2014, Petitioner Bruce Phillippi ("Petitioner"), a state prisoner  
17 proceeding *pro se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. §  
18 2254. On January 12, 2016, Magistrate Judge Mitchell D. Dembin issued a Report and  
19 Recommendation ("R&R") recommending that the Court deny the petition. Both  
20 parties filed objections to the R&R, Respondent filed a reply to Petitioner's objections  
21 and Petitioner filed a surreply.

22             This Court, having reviewed *de novo* the Magistrate Judge's R&R and the  
23 objections, reply briefs, surreply brief and other briefs and documents attached thereto,  
24 adopts the Magistrate Judge's recommendation in full and **DENIES** the petition for a

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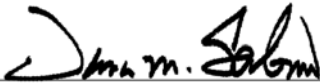
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1 writ of habeas corpus. The Court finds no basis for a certificate of appealability. The  
2 Clerk of Court shall enter judgment accordingly, and terminate this case.

3 **IT IS SO ORDERED.**

4 DATED: May 9, 2016



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6 HON. DANA M. SABRAW  
7 United States District Judge  
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