

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARCO SANCHEZ-DIAZ,

Petitioner,

v.

IAN WALLACE,

Respondent.

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No. 4:14-CV-185 CAS

ORDER

This matter is before the Court on state prisoner Marco Sanchez-Diaz's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Abbie Crites-Leoni for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On January 27, 2017, Judge Crites-Leoni filed a Report and Recommendation of United States Magistrate Judge which recommended that Sanchez-Diaz's petition for writ of habeas corpus be denied. Petitioner was granted an extension of time and then filed timely objections to the Report and Recommendation. Petitioner's objections merely reiterate the argument made in support of his claim in the Petition that the trial court erred in failing to sua sponte declare a mistrial after two witnesses testified that victim M.L. suffered from PTSD.

The Court has carefully reviewed petitioner's objections and the entire record of this matter. Following de novo review, the Court concurs in the recommendation of the Magistrate Judge, as contained in the well-reasoned and thorough Report and Recommendation. Petitioner's objections are without merit and are overruled.

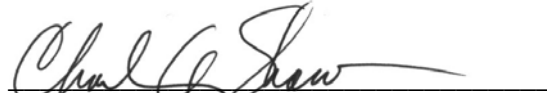
Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 20]

IT IS FURTHER ORDERED that petitioner Marco Sanchez-Diaz's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 1]

IT IS FURTHER ORDERED that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this Order.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 28th day of February, 2017.