

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

RANDY LAMAR HALL,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-15-203-M
	)	
JOE M. ALLBAUGH, Director,	)	
	)	
Respondent.	)	

**ORDER**


On June 9, 2017, United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that the Second Amended Petition for Writ of Habeas Corpus, as further amended by the Court’s Order of March 31, 2016, be denied. The parties were advised of their right to object to the Report and Recommendation by June 23, 2017. On June 23, 2017, petitioner filed his objections. Specifically, petitioner objects to (1) the legal conclusion that the failure to provide a lesser included offense instruction in a non-capital case when the evidence warrants the instruction does not raise a Constitutional issue; (2) the factual determination that the inclusion of irrelevant evidence did not constitute a Constitutional violation in this case; and (3) the conclusion that the accumulation of errors did not amount to a Constitutional violation.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation [docket no. 25] issued by the Magistrate Judge on June 9, 2017, and

- (2) DENIES the Second Amended Petition for Writ of Habeas Corpus, as further amended by the Court's Order of March 31, 2016.

**IT IS SO ORDERED this 13th day of March, 2018.**

  
VICKI MILES-LaGRANGE  
UNITED STATES DISTRICT JUDGE