

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN K. KASHUBA,

Petitioner,

v.

STATE OF OREGON,

Respondent.

Civ. No. 3:15-cv-00082-TC

OPINION AND ORDER

MCSHANE, Judge:

Petitioner, *pro se*, brings this petition seeking habeas corpus relief under 28 U.S.C. § 2254. Petitioner seeks to challenge thirty-four state court convictions, including seventeen counts of making a false claim for health care payment, ORS § 165.692, fifteen counts of theft in the first degree, ORS § 164.055, and two counts of unlawfully obtaining a food stamp benefit, ORS § 411.840, because of alleged ineffective assistance of counsel, inclusion of inadmissible evidence, and judicial misconduct. *See* Pet. Writ Habeas Corpus 5–7, ECF No. 2-1. Magistrate Judge Thomas Coffin issued a Findings and Recommendation (F&R) on August 11, 2015, in which he recommended dismissal without prejudice because petitioner failed to exhaust his state court remedies. The matter is now before this Court. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b).

Because no objections to the F&R were timely filed, this Court reviews only the legal principles *de novo*. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en


banc); *see also United States v. Bernhardt*, 840 F.2d 1441, 1445 (9th Cir. 1988). Upon review, this Court finds no error in Judge Coffin's F&R, ECF No. 15.

CONCLUSION

This Court ADOPTS Judge Coffin's F&R, ECF No. 15, in full. Petitioner Kashuba's petition for writ of habeas corpus, ECF No. 2, is DENIED without prejudice. Respondent's motion to dismiss, ECF No. 14, is GRANTED.

IT IS SO ORDERED.

DATED this 31st day of Aug, 2015.



Michael J. McShane
United States District Judge