



2. The Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated July 22, 2008 is **REJECTED**;

3. The *pro se* Petition for Writ of Habeas Corpus is **REMANDED** to United States Magistrate Judge Henry S. Perkin to obtain the entire state court record and to submit an amended report and recommendation based on a review of that record; and

4. Petitioner's Objection[s] to the Report and Recommendation of United States Magistrate Judge Henry S. Perkin dated October 7, 2008 are **OVERRULED** in all other respects without prejudice to petitioner's right to object, if warranted, to the amended report and recommendation.

**BY THE COURT:**

/s/ Honorable Jan E. DuBois  
**JAN E. DUBOIS, J.**