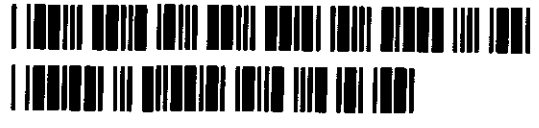


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FEB 27 2010



09-CV-00843-ORD

BY 3 AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GARY DWAYNE YOUNG,  
  
Petitioner,  
  
v.  
  
STATE OF WASHINGTON,  
  
Respondent.

Case No. C09-843-JLR

**ORDER OF DISMISSAL**

The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus (Dkt. 6), the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, Plaintiff's Objections (Dkt 21), the governing law, and the balance of the record, does hereby find and ORDER:


- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's petition for writ of habeas corpus (Dkt. 6) is DISMISSED with prejudice;
- (3) The Court denies issuance of a certificate of appealability as to claims 1, 2, 3, and 6;
- (4) The Court grants a certificate of appealability as to claims 4 and 5.
- (5) The Clerk of Court is directed to send copies of this Order to all counsel and to

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*File*

1 Magistrate Judge Brian A. Tsuchida.

2 DATED this 27<sup>th</sup> day of February, 2010.

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5 JAMES L. ROBART  
6 United States District Judge  
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