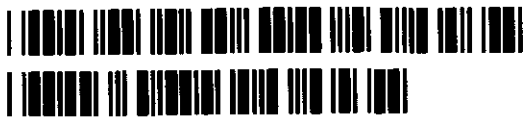


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UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF WASHINGTON  
 AT SEATTLE

STACY EARL STITH,	)	
	)	CASE NO. C11-0359-JLR
Petitioner,	)	(CR07-337-JLR)
	)	
v.	)	
	)	ORDER DENYING MOTION UNDER
UNITED STATES OF AMERICA,	)	28 U.S.C. § 2255
	)	
Respondent.	)	
	)	

The Court, having reviewed petitioner's motion under 28 U.S.C. § 2255, the briefing of the parties, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's motion under § 2255 (Dkt. No. 7) is DENIED and this action is DISMISSED with prejudice;
- (3) In accordance with Rule 11 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a certificate of appealability is DENIED; and

///

ORDER DENYING MOTION  
 UNDER 28 U.S.C. § 2255  
 PAGE -1

01 (4) The Clerk shall send copies of this Order to petitioner, to counsel for the  
02 government, and to Judge Theiler.

03 DATED this 6<sup>th</sup> day of February, 2012.

04 

05 JAMES L. ROBART  
06 United States District Judge

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