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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN MIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C11-647-JCC
CR09-0083-JCC

**ORDER GRANTING THE
STIPULATED MOTION AND
STRIKING THE EVIDENTIARY
HEARING**

The Court, having reviewed petitioner’s motion under § 2255, the Report and Recommendation of Brian A. Tsuchida, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) The stipulated motion to dismiss the matter (Dkt. 14) is **GRANTED** without prejudice;
- (3) The evidentiary hearing set for June 19, 2012, is **STRICKEN**; and
- (4) The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

DATED this _____ day of _____, 2012 .

JOHN C. COUGENHOUR
United States District Judge