

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT SEATTLE

7 LAVELLE XAVIER MITCHELL,

8 Petitioner,

Case No. C14-1173 RSL-BAT

9 v.

**ORDER OF DISMISSAL**


10 STATE OF WASHINGTON,

Respondent.

11 The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and  
12 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any  
13 objections or responses to that, and the remaining record, finds and **Orders** as follows:

- 14 1. The Report and Recommendation is **ADOPTED**;
- 15 2. Petitioner's 28 U.S.C. § 2254 habeas petition is **DISMISSED** without prejudice;
- 16 3. Petitioner is **DENIED** issuance of a certificate of appealability; and
- 17 4. The Clerk shall send a copy of this Order to the parties and to Judge Tsuchida.

18 DATED this 12th day of September, 2014.

19  
20   
21 ROBERT S. LASNIK  
22 United States District Judge  
23