

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW G. SILVA,

Petitioner,

v.

DONALD HOLBROOK,

Respondent.

Case No. C14-1934-RSM

ORDER DISMISSING ACTION

The Court, having reviewed the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Neither Petitioner’s Objections, nor his Second Amended Complaint, nor his Declaration Regarding Exhaustion Efforts, remedy the deficiencies identified by Judge Donohue in his Report and Recommendation.
- (3) Petitioner’s federal habeas petition and this action are DISMISSED without prejudice.
- (4) Petitioner’s application to proceed *in forma pauperis* is STRICKEN as moot.

ORDER DISMISSING ACTION
PAGE - 1

1 (5) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the
2 United States District Courts, a certificate of appealability is DENIED.

3 (6) The Clerk is directed to send copies of this Order to petitioner and to the
4 Honorable James P. Donohue.

5 DATED this 3 day of March 2015.

6
7 

8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22