

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 MERLIN NORMAN BELL,

10 Petitioner,

11 v.

12 JEFFREY A. UTTECHT,

13 Respondent.  
14

CASE NO. C15-0076-JCC

ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
DENYING HABEAS PETITION

15 This matter comes before the Court on the petition of Merlin Norman Bell for writ of  
16 habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. No. 8.) The Honorable Mary Alice Theiler,  
17 United States Magistrate Judge, issued a Report and Recommendation (“R&R”) (Dkt. No. 19)  
18 advising this Court to deny Petitioner’s habeas petition. Petitioner submitted a “Request for  
19 Sufficient Legal Representation” (Dkt. No. 20) that does not contain objections to the R&R.  
20 Petitioner submitted no objections to the R&R. After thoroughly considering the parties’  
21 briefing and the relevant record, the Court finds oral argument unnecessary and hereby ORDERS  
22 as follows:

23 1. The Court ADOPTS the Report and Recommendation;

24 2. Petitioner’s habeas petition is DENIED with prejudice and this action is DISMISSED  
25 with prejudice;

26 3. Petitioner is DENIED a certificate of appealability with respect to all claims raised in

1 his habeas petition;

2 4. An evidentiary hearing shall not be required;

3 5. Petitioner's Request for Sufficient Legal Representation (Dkt. No. 20) is DENIED on  
4 the grounds that there is no constitutional right to counsel in federal habeas proceedings,  
5 *McCleskey v. Zant*, 499 U.S. 467, 495 (1991), no evidentiary hearing is to be held, and  
6 Petitioner has not shown that the interests of justice require appointment of counsel; and

7 6. The Clerk shall send a copy of this Order to the parties and to Judge Theiler.

8 It is so ORDERED.

9 DATED this 21st day of July 2015.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE