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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALD WAYNE WILSON,

Petitioner,

v.

MICHAEL OBENLAND,

Respondent.

CASE NO. C15-1899JLR

ORDER

This matter comes before the court on the report and recommendation of the Honorable Brian A. Tsuchida (R&R (Dkt. # 17)) and Petitioner Gerald Wayne Wilson's objections thereto (Obj. (Dkt. # 18)). The court has reviewed Mr. Wilson's habeas petition (Dkt. # 1), Magistrate Judge Tsuchida's report and recommendation, Mr. Wilson's objections to the report and recommendation, the remainder of the record, and

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1 the applicable law. Being fully advised,¹ the court overrules Mr. Wilson’s objections and
2 adopts the report and recommendation as set forth below.

3 Magistrate Judge Tsuchida recommends dismissal of Mr. Wilson’s 28 U.S.C.
4 § 2254 petition and denial of a certificate of appealability. (R&R at 1.) Mr. Wilson
5 contends that Judge Tsuchida “erroneously rejected Mr. Wilson’s claims for relief” and
6 objects to “all of the Magistrate Judge’s proposed orders.” (Obj. at 2.) The court
7 performs de novo review when ruling on objections to a report and recommendation.
8 Fed. R. Civ. P. 72(b)(3); *McKeever v. Block*, 932 F.2d 795, 798 (9th Cir. 1991).

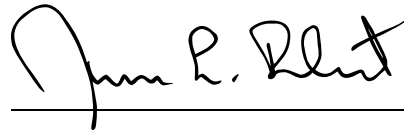
9 The court has independently reviewed Mr. Wilson’s arguments and the extensive
10 materials submitted in support of them. The court agrees with Judge Tsuchida’s analysis
11 and the conclusions stated in the report and recommendation. The court therefore FINDS
12 and ORDERS:

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22 ¹ Although Mr. Wilson has requested oral argument (Obj. at 1), the court finds oral
argument unnecessary, *see* Local Rules W.D. Wash. LCR 7(b)(4).

- 1 1. Mr. Wilson's objections (Dkt. # 18) are OVERRULED;
- 2 2. The report and recommendation (Dkt. # 17) is ADOPTED and APPROVED;
- 3 3. Mr. Wilson's 28 U.S.C. § 2254 petition (Dkt. # 1) is DISMISSED with
- 4 prejudice;
- 5 4. Mr. Wilson is DENIED a certificate of appealability; and
- 6 5. The Clerk shall send a copy of this order to the parties and to Judge Tsuchida.

7 Dated this 17th day of June, 2016.

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10 JAMES L. ROBERT
11 United States District Judge