

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JON IRBY,

Petitioner,

v.

RON HAYNES, et al.,

Respondents.

NO. C17-133-RAJ

ORDER OF DISMISSAL

The Court, having reviewed the Report and Recommendation of the Honorable James P. Donohue, United States Magistrate Judge, and any objections or responses to that, and the remaining record, finds and Orders as follows:

1. The Court ADOPTS the Report and Recommendation.
2. Petitioner’s motion to stay, Dkt. 15, is DENIED.
3. Petitioner’s habeas petition is DISMISSED. The dismissal is with prejudice as to any claims directly challenging his now vacated 2013 judgment and sentence, and without prejudice as to any claims challenging his 2016 judgment and sentence.

1 4. In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United
2 States District Courts, a certificate of appealability is DENIED with respect to all claims asserted
3 in this action.

4 5. The Clerk shall send a copy of this Order to petitioner and to Judge Donohue.

5 DATED this 28th day of June, 2017.

6
7
8 

9 The Honorable Richard A. Jones
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24