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

8 JOHN CARLO FREE,

9 Petitioner,

10 v.

11 JAMES KEY,

12 Respondent.

C19-1551 TSZ

ORDER

13 THIS MATTER comes before the Court on the Report and Recommendation  
14 (docket no. 36) of the Honorable Mary Alice Theiler. Having reviewed the Report and  
15 Recommendation, Petitioner John Carlo Free's objections (docket no. 42), Petitioner's  
16 petition for a writ of habeas corpus brought under 28 U.S.C. § 2254 (docket no. 8),  
17 Petitioner's motion for an evidentiary hearing (docket no. 43), and the remaining record,  
18 the Court enters the following Order:

- 19 (1) The Court ADOPTS the Report and Recommendation, docket no. 36;  
20 (2) Petitioner's motion for an evidentiary hearing, docket no. 43, is DENIED;  
21 (3) Petitioner's habeas petition, docket no. 8, and this action, are DISMISSED  
22 with prejudice;  
23

1 (4) A certificate of appealability is DENIED in this case; and

2 (5) The Clerk is directed to enter judgment consistent with this Order and send  
3 copies of this Order to Petitioner, counsel for Respondent, and Judge Theiler.

4 IT IS SO ORDERED.

5 Dated this 16th day of November, 2021.



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7 Thomas S. Zilly  
United States District Judge