

THE HONORABLE JOHN C. COUGHENOUR

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEIL JAMES ROBERSON,

Petitioner,

v.

JASON BENNETT,

Respondent.

CASE NO. C24-0241-JCC

ORDER

This matter comes before the Court on Petitioner’s objections (Dkt. No. 6) to the Report and Recommendation (“R&R”) of the Honorable Theresa L. Fricke, United States Magistrate Judge (Dkt. No. 5). Having thoroughly considered the briefing and the relevant record, the Court **OVERRULES** Petitioner’s objections, **ADOPTS** the R&R, and **DISMISSES** this matter without prejudice for the reasons explained herein.

In an order to show cause, Judge Fricke ordered Petitioner to explain why his § 2254 habeas petition should not be dismissed prior to service for failure to demonstrate the exhaustion of state remedies. (*See* Dkt. No. 4 at 2–3.) Petitioner did not respond to that order, and Judge Fricke then recommended to this Court that it dismiss this matter without prejudice. (*See* Dkt. No. 5 at 1–2.) Petitioner responded to the R&R with a litany of objections. (*See* Dkt. No. 6 at 1–

1 3.)¹ But none of the objections address the key issue Judge Fricke raised—Petitioner’s failure to
2 demonstrate exhaustion of his state remedies. (See Dkt. No. 6 at 1–3.) They are, therefore,
3 ineffective. See *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1175 (9th Cir. 1996) (describing
4 the requirements for an effective objection).

5 For the foregoing reasons, the Court OVERRULES Petitioner’s objections (Dkt. No. 6),
6 ADOPTS Judge Fricke’s R&R (Dkt. No. 5), and DISMISSES this matter without prejudice.

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8 DATED this 10th day of May 2024.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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24 _____
25 ¹ The Court reviews *de novo* those portions of a R&R to which a party objects. 28 U.S.C.
26 § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Objections are required to enable the court to “focus
attention on those issues—factual and legal—that are at the heart of the parties’ dispute.”
Thomas v. Arn, 474 U.S. 140, 147 (1985).