

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DEREK L. BLANKS,

 Petitioner,

 v.

TIMOTHY WENGLER, et al.,

 Respondents.


Case No. C08-5543BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

 This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 22). The Court having considered the Report and Recommendation, Plaintiff's failure to file objections, and the remaining record, does hereby find and order:

- (1) The Court adopts the Report and Recommendation; and
- (2) This action is **DISMISSED** because Petitioner has chosen to return to state court to exhaust some of his federal habeas claims.

DATED this 26th day of May, 2009.



BENJAMIN H. SETTLE
United States District Judge

ORDER