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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ABDUL-KAHLIF CALHOUN,

11 Petitioner,

12 vs.

13 DOUG WADDINGTON,

14 Respondent.

Case No. 09-5211-RJB-JRC

ORDER ADOPTING REPORT
AND RECOMMENDATION

15 This matter comes before the Court on the Report and Recommendation of U.S. Magistrate Judge
16 J. Richard Creatura. Dkt. 24. The Court has considered the Report and Recommendation and the record
17 herein.

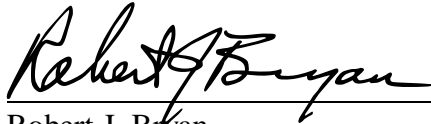
18 The Report and Recommendation thoroughly discusses the facts and law at issue here, and it should
19 be adopted. The petitioner raises four constitutional grounds for review: first, that petitioner's right to
20 assistance of counsel was deprived; second, that Wash. Rev. Code § 9.94A.589(3) violated the petitioner's
21 equal protection rights; third, that the failure to give *Miranda* warnings at the time of the petitioner's arrest
22 violated his Fifth and Fourteenth Amendment rights; and fourth, that the search and seizure that led to his
23 conviction violated his Fourth Amendment rights. Dkt. 24 at 7.

24 As to the first two grounds, the Report concludes that the petitioner exhausted his state court
25 appeals, but that both grounds lack merit. *Id.* at 10-14. As to the second two grounds, the Report
26 concludes that the petitioner has not exhausted his opportunities to appeal the issues to the state courts.
27 *Id.* at 14-15. On these bases, the Report recommends denying the petitioner's writ of habeas corpus.
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1 The Court hereby **FINDS** and **ORDERS**:

- 2 (1) The court adopts the Report and Recommendation (Dkt. 24);
3 (2) Petitioner's Amended Petition for Writ of Habeas Corpus (Dkt. 11) is DENIED;
4 (3) A Certificate of Appealability in this matter is DENIED; and
5 (4) The Clerk is directed to send copies of this Order to plaintiff, all attorneys of record, and to
6 the Hon. J. Richard Creatura.

7 DATED this 18th day of November, 2009.

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10 Robert J. Bryan
United States District Judge