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

8 JAMES T. FLEMING,

9 Petitioner,

10 v.

11 PAT GLEBE,

12 Respondent.

CASE NO. C10-5213RBL/JRC

ORDER ADOPTING
REPORT AND
RECOMMENDATION

13 The Court having reviewed the Report and Recommendation of the Hon. J. Richard
14 Creatura, United States Magistrate Judge, objections to the Report and Recommendation [Dkt.
15 #15], and the remaining record, does hereby find and Order:

- 16 (1) The Court adopts the Report and Recommendation.
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18 (2) The petition DISMISSED as time barred.
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20 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in
the United States District Courts, a certificate of appealability is DENIED
with respect to all claims asserted by petitioner in his habeas petition.
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22 (4) The clerk is directed to send copies of this Order to Petitioner, and the Hon. J.
Richard Creatura.

23 DATED this 7th day of August, 2010.

24 
25 RONALD B. LEIGHTON
26 UNITED STATES DISTRICT JUDGE